

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs. NO: CR-15-4268 JB

6 ANGEL DELEON, et al.,

7 Defendants.

8 VOLUME 18

9 Transcript of Jury Trial before The Honorable
10 James O. Browning, United States District Judge, Las
11 Cruces, Dona Ana County, New Mexico, commencing on
12 February 22, 2018.

13 For the Plaintiff: Ms. Maria Armijo, Mr. Randy
14 Castellano, Mr Matthew Beck

15 For the Trial 1 Defendants: Ms. Amy Jacks, Mr.
16 Richard Jewkes, Ms. Theresa Duncan, Mr. Marc Lowry,
17 Ms. Carey Bhalla, Mr. Bill Maynard, Mr. Ryan Villa,
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1 THE COURT: All right. Good morning,
2 everyone. I appreciate everybody being here and
3 ready to go on time.

4 Mr. Jewkes, you wanted to bring something
5 to the attention of the Court before we get started
6 this morning.

7 MR. JEWKES: Good morning, Your Honor.

8 THE COURT: Mr. Jewkes.

9 MR. JEWKES: Your Honor, yesterday morning
10 my girlfriend's mother passed away, and I'd like to
11 see about going to the service tomorrow afternoon.
12 I would leave here about 2:00.

13 THE COURT: All right. And Ms. Jacks will
14 still be here?

15 MR. JEWKES: Yes, Your Honor. She will be
16 here to cover.

17 THE COURT: Thank you, Mr. Jewkes. Sorry
18 to hear about your loss.

19 MR. JEWKES: Thank you.

20 THE COURT: All right. Does anyone else
21 have anything they need to discuss before we bring
22 the jury in? Anything else we need to do?

23 MS. DUNCAN: Your Honor, I do.

24 THE COURT: Let me check with the
25 Government. Nothing, Mr. Beck?

1 MR. BECK: No, Your Honor.

2 THE COURT: All right, Ms. Duncan.

3 MS. DUNCAN: Your Honor -- and I reviewed
4 the transcript last night, because of the problem we
5 were having with the recording -- and I don't think
6 we need to bring any additional recordings in, but
7 when I went through, I realized I missed two points
8 on my recross of Mr. Duran. So I'd like an
9 opportunity to ask him these two points rather than
10 re-call him as a witness.

11 THE COURT: Have you run those two points
12 past the Government?

13 MS. DUNCAN: I have not.

14 THE COURT: Why don't do you that now and
15 see if they have any problem with them being outside
16 the scope.

17 (A discussion was held off the record.)

18 MS. DUNCAN: Your Honor, it's my
19 understanding the Government doesn't object.

20 THE COURT: All right. Juror No. 4,
21 Ms. Harris, is coming down with the flu, so she's
22 going to go during the lunch hour to the emergency
23 room to see if she can get some Tamiflu, so we may
24 be a little longer at the lunch hour, depending on
25 how quickly she can get in and out. Any other

1 defendants have anything they need to discuss?

2 Anything else I can address?

3 MR. VILLA: Your Honor, just briefly,
4 picking up on the point I raised yesterday, we do
5 have some defense witnesses who have arrived today
6 under subpoena. If we can give them a better
7 timeframe when to return based on the Government's
8 estimate -- I don't know if they intend to -- they
9 still intend to rest today or maybe tomorrow after
10 it went yesterday with Mr. Duran. I'd just ask for
11 some idea so we can talk to these witnesses.

12 THE COURT: Do y'all have any thought,
13 given where we are this morning? Ms. Armijo?

14 MS. ARMIJO: Your Honor, I think there is
15 still the potential later today, but most likely
16 tomorrow.

17 And I would just also like to make a
18 request. I know that there are several defense
19 witnesses here. We have been good about providing
20 defense before the end of the day a list of the
21 witnesses that we're calling. I ask that of the
22 defense. And clearly they have people here, and
23 only Ms. Jacks provided one name today.

24 So we would ask the Court to enforce the
25 agreement that we have lived up to as far as

1 additional witnesses today, because we have not been
2 informed about any of these numerous witnesses that
3 we see around the courthouse.

4 THE COURT: Do you want to give a list to
5 the Government?

6 MR. VILLA: We provided what we thought in
7 good faith would be the witnesses that we would put
8 on by the end of the day. We knew Mr. Cordova was
9 going to testify today. We know that will take a
10 long time. We know that the Government also
11 intended to call Agent Acee, they need to finish
12 with Mr. Duran, and they also intend to call
13 Mr. Santistevan.

14 So based on the Government's
15 representations of who they were going to call
16 today, we estimated that we might be able to put on
17 one witness, and that was the witness that Ms. Jacks
18 provided to the United States.

19 So we're compliant with the agreement in
20 terms of estimating who we think we might be able to
21 call. But again, that's why we're trying to nail
22 down when the Government might rest, so we can say,
23 okay, we've got four or five hours. Ms. Armijo,
24 this is who we'll call to fill those four or five
25 hours.

1 It sounds like nobody is going to get
2 called by the defense today; most likely Friday.
3 And by the end of today we'll tell her who we intend
4 to call tomorrow. The witnesses who are here is
5 because, you know, we sort of had to guess when to
6 subpoena them. So they're here today because that
7 was our best guess. That doesn't mean we're going
8 to put them on today or tomorrow. It might be next
9 week.

10 THE COURT: All right. Does that work now
11 at the present time, this morning, Ms. Armijo?

12 MS. ARMIJO: Yes, Your Honor, it does.
13 And I guess we'll just keep the Court and defense
14 counsel updated. It's going to depend on, of
15 course, obviously cross-examination and also the
16 issue with our juror over the lunch hour.

17 THE COURT: All right. Ms. Jacks, did you
18 have something?

19 MS. JACKS: No, I have a witness in the
20 hall I'm going to go talk to.

21 THE COURT: Any of the other defendants
22 have anything they need to raise? We're still
23 waiting for one juror, juror number 9; Mr. Moore
24 wasn't here when we last checked on the jurors, so
25 to my knowledge, we're still waiting.

1 MR. LOWRY: If that's case, Your Honor,
2 could we take a break?

3 THE COURT: Yes, go ahead.

4 Ms. Duncan, can we go ahead and get the
5 jury in while we're waiting for Mr. Lowry?

6 MS. DUNCAN: Yes, Your Honor. That's
7 fine.

8 THE COURT: All right. All right. All
9 rise.

10 (The jury entered the courtroom.)

11 THE COURT: All right. Everyone be
12 seated.

13 Good morning, ladies and gentlemen. I
14 appreciate everybody being back and ready to go and
15 on time. I appreciate the way y'all have gone about
16 your tasks. I know some of you are struggling with
17 illness, and I know it's been tough sometimes. I
18 appreciate everybody working hard and trying to keep
19 after it, and stay available to serve on the jury.
20 I really appreciate it. I know that things come up
21 and I appreciate the spirit by which you've gone
22 about your public service here. It's really been
23 remarkable. And I think certainly the Court
24 appreciates it, and I think all the parties and the
25 attorneys do, too. Y'all have been a great bunch.

1 I appreciate what you've done for us.

2 All right. We'll wait for Mr. Duran to
3 get in here. I brought y'all in before I did
4 Mr. Duran today.

5 All right. Mr. Duran, if you'll come up
6 and sit in the witness box here. Mr. Duran, I'll
7 remind you that you're still under oath.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: All right. Ms. Bhalla, I
10 think you were going to engage in some recross. Do
11 you wish to do that at this time?

12 MS. BHALLA: Yes, Your Honor. Thank you.

13 THE COURT: Ms. Bhalla.

14 ERIC PRESTON DURAN,
15 after having been previously duly sworn under
16 oath, was questioned, and continued testifying
17 as follows:

18 RECROSS-EXAMINATION

19 BY MS. BHALLA:

20 Q. Thank you. Good morning, Mr. Duran.

21 A. Good morning, ma'am.

22 Q. When we spoke yesterday about the green
23 light on my client, Carlos Herrera, the conversation
24 that you had with the Government about the green
25 light on him occurred, I believe, on February 19 of

1 2015. Does that sound correct to you?

2 A. Yes, ma'am.

3 Q. And Javier Molina was murdered in 2014;
4 correct?

5 A. Yes, ma'am.

6 Q. Would you agree with me that 2015 comes
7 after 2014?

8 A. Yes, ma'am.

9 Q. Okay. And the information that you
10 provided was that there was a current outstanding
11 green light on my client; isn't that correct?

12 A. Yes, ma'am.

13 MS. BHALLA: Thank you, Your Honor. I
14 pass the witness.

15 THE COURT: Thank you, Ms. Bhalla.

16 Ms. Duncan, you had a couple of issues you
17 wanted to cover with Mr. Duran.

18 MS. DUNCAN: Yes, Your Honor. Thank you.

19 THE COURT: Ms. Duncan.

20 RECROSS-EXAMINATION

21 BY MS. DUNCAN:

22 Q. Mr. Duran, I just had two topics I wanted
23 to cover with you. The first is: How old is Ivy
24 Maldonado?

25 A. She'll be 7 in March.

1 Q. And during your discussion with Mr. Villa,
2 you talked about the lump sum good time credit that
3 you got; correct?

4 A. Yes.

5 Q. The two years. And Mr. Villa asked you if
6 you got those two years for your work with the
7 Government. Do you remember that question?

8 A. For my work with the Government or for
9 saving two lives?

10 Q. That's the question he asked you: For
11 your work with the Government. And your response
12 was for saving two lives; correct?

13 A. Yes.

14 Q. And those two lives were Gregg Marcantel
15 and Dwayne Santistevan?

16 A. Yes, ma'am.

17 Q. Those are the two lives that you claimed
18 to save. And those are the -- you were given a
19 recording device to record Roy and Robert Martinez'
20 discussion of the hit on Dwayne Santistevan;
21 correct?

22 A. To record all information relevant to that
23 hit, yes, ma'am.

24 Q. And you did record those conversations;
25 correct?

1 A. Yes.

2 Q. And you had conversations with Robert and
3 Roy Martinez about hitting Dwayne Santistevan;
4 correct?

5 A. Yes, ma'am.

6 Q. And also hitting Gregg Marcantel; correct?

7 A. Yes, ma'am.

8 Q. And then you encouraged Roy and Robert
9 Martinez to write letters to people on the street to
10 commit those hits; correct?

11 A. I didn't encourage them, no.

12 Q. Well, you discussed with them that they
13 needed to write letters that were obvious -- that
14 were clear messages to the people on the street to
15 hit Dwayne Santistevan and Gregg Marcantel; correct?

16 A. That was their own choice, to write those
17 letters.

18 Q. But you discussed it with them; correct?

19 A. I discussed writing letters?

20 Q. Yes, with Robert and Roy Martinez?

21 A. Oh, yes, ma'am.

22 Q. And you told Robert and Roy Martinez that
23 you would facilitate getting those letters out on
24 the street; correct?

25 A. Yes, ma'am.

1 Q. That you were going to send them out
2 through legal mail?

3 A. Yes, ma'am.

4 Q. And then when Mr. Baca came back from out
5 of state, you discussed these hits with Mr. Baca;
6 correct?

7 A. Yes, ma'am.

8 Q. And although he said that he did not want
9 to hit Gregg Marcantel in the beginning, eventually
10 you convinced him that he should; correct?

11 A. No, ma'am.

12 Q. And then you used a cellphone to
13 facilitate communications with people on the street;
14 correct?

15 A. Yes, ma'am.

16 Q. And to facilitate getting a firearm;
17 correct?

18 A. Yes, ma'am.

19 Q. And it was for that work that you were
20 given the two-year lump sum credit; correct?

21 A. I was again given the lump sum for saving
22 two lives.

23 Q. Those lives were Gregg Marcantel and
24 Dwayne Santistevan?

25 A. Yes, ma'am.

1 Q. The people about whom we've just
2 discussed?

3 A. Yes, ma'am.

4 MS. DUNCAN: I have no further questions,
5 Your Honor.

6 THE COURT: Thank you, Ms. Duncan.

7 Ms. Armijo, do you have redirect?

8 REDIRECT EXAMINATION

9 BY MS. ARMIJO:

10 Q. When was the lump sum given to you in
11 connection to the recordings?

12 A. In 2016.

13 Q. All right. And the recordings were made
14 in 2015?

15 A. Yes, ma'am.

16 Q. And did you ask for the lump sum?

17 A. I had no knowledge whatsoever that I could
18 even get a lump sum.

19 Q. And in asking Roy Martinez and Robert
20 Martinez to give you the letters, would that also be
21 a way to control the letters getting out onto the
22 street and in the hands of other SNM Gang members?

23 A. I purposely did that so I could turn the
24 letters over to the FBI.

25 Q. All right. As opposed to having them send

1 it out and make it to the street?

2 A. Yes, ma'am.

3 Q. And did you encourage Jerry Armenta in any
4 way to do the right thing?

5 A. I just asked him a question, what meant
6 more to him: His family, his kids, or the SNM
7 organization. And he made his own choice.

8 Q. And in reference to Carlos Herrera, Ms.
9 Bhalla was asking you about the hit. Did you base
10 your information based upon the information that
11 Anthony Baca provided to you in 2013?

12 A. Yes, ma'am.

13 Q. All right. Because when you had the
14 conversation in February of 2015, that was before
15 Anthony Baca got back; correct?

16 A. Yes, ma'am.

17 Q. And you had not had any updated
18 information from Anthony Baca as to whether or not
19 the hit was current on Carlos Herrera; correct?

20 A. Yes, ma'am.

21 Q. And you also were not down at Southern
22 when the Molina murder occurred, were you?

23 A. No, ma'am.

24 Q. All right. And just to be clear, you were
25 never provided with a tablet for discovery, were

1 you?

2 A. No, ma'am.

3 MS. ARMIJO: No further questions. Thank
4 you.

5 THE COURT: Thank you, Ms. Armijo.

6 All right. Mr. Duran, you may step down.

7 Is there any reason that Mr. Duran cannot
8 be excused from the proceedings, Ms. Armijo?

9 MS. ARMIJO: No, Your Honor.

10 THE COURT: How about the defendants?

11 MS. DUNCAN: Your Honor, we would ask the
12 Court to hold him over.

13 THE COURT: You're going to be subject to
14 recall. You'll need to leave the courtroom and
15 leave the facility, as well, but you're subject to
16 re-call, so you're not to discuss your testimony
17 with anyone. Okay?

18 THE WITNESS: All right.

19 THE COURT: Thank you, Mr. Duran. Thank
20 you for your testimony.

21 MR. DEL VALLE: Your Honor, may I be
22 excused?

23 THE COURT: You may, Mr. Del Valle.

24 THE COURT: All right. Does the United
25 States have its next witness or evidence?

1 MR. CASTELLANO: Your Honor, the United
2 States calls Billy Cordova.

3 THE COURT: All right. Mr. Cordova, if
4 you'll come up and stand next to the witness box
5 right in front of you. Before you're seated, my
6 courtroom deputy, Ms. Standridge, will swear in. So
7 if you'd raise your right hand to the best of your
8 ability there, she'll swear you in.

9 BILLY CORDOVA,
10 after having been first duly sworn under oath,
11 was questioned, and testified as follows:

12 THE CLERK: Please be seated. State and
13 spell your name for the record.

14 THE WITNESS: My name is Billy Cordova.
15 B-I-L-L-Y, C-O-R-D-O-V-A.

16 THE COURT: Mr. Cordova. Mr. Castellano.

17 MR. CASTELLANO: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. CASTELLANO:

20 Q. Good morning, Mr. Cordova.

21 A. Good morning, sir.

22 Q. Are you now or have you ever been a member
23 of the SNM Prison Gang?

24 A. Yes, I was a member of SNM Prison Gang.
25 Now I'm a former member of SNM Prison Gang.

1 Q. Why do you say that you're now a former
2 member?

3 A. Because I am no longer an SNM Gang member
4 because I'm here testifying today for the federal
5 government.

6 Q. And before you became a member of the SNM,
7 had you been a member of any other gangs?

8 A. Yes, sir.

9 Q. What gang was that?

10 A. That was Moras Park, M-O-R-A-S, P-A-R-K.

11 Q. What kind of gang was that?

12 A. It's a street gang in Albuquerque, New
13 Mexico. It originated from Juarez, Mexico. It's
14 located in the war zone, Northeast Albuquerque.

15 Q. Where is the war zone?

16 A. It's the radius between Marquette to
17 Southern, from Louisiana to Wyoming.

18 Q. How old were you when you entered that
19 gang?

20 A. Eight years old.

21 Q. How did you get into the gang?

22 A. It was a probation period of doing
23 robberies, drive-by shootings, assaults on other
24 rival gang members and selling narcotics for them.
25 Then they seen I was worthy of getting ranked in,

1 jumped into the gang.

2 Q. How did you get ranked into the gang?

3 A. Four members of the Moras Park Gang jumped
4 me, beat me up for one minute.

5 Q. How old were you at that point?

6 A. I was nine years old; eight years old,
7 nine.

8 Q. As a result of your activities with the
9 gang, did you eventually get convicted of a crime as
10 a juvenile, but in that case you were actually
11 adjudicated as an adult?

12 A. Yes, but that was more for SNM at that
13 time.

14 Q. So when you were -- let me start by
15 introducing Government's Exhibit 242.

16 MR. CASTELLANO: Your Honor, at this time,
17 I'd move the admission of Government's Exhibit 242.
18 This is Mr. Cordova's -- what we've been referring
19 to as his penitentiary pack or pen pack.

20 THE COURT: Any objection from any
21 defendant?

22 MR. VILLA: No, Your Honor.

23 THE COURT: Not hearing any or seeing any,
24 Government's Exhibit 242 will be admitted into
25 evidence.

1 (Government Exhibit 242 admitted.)

2 BY MR. CASTELLANO:

3 Q. Mr. Cordova, I'm going to show you,
4 starting on page 23103 of that exhibit. Okay.

5 Sir, are you able to see that on your
6 screen?

7 A. Yes, sir.

8 Q. And what is that paperwork we're looking
9 at?

10 A. It's a judgment and sentence, a J&S, from
11 some charges I had did, some crimes I had did,
12 for -- basically at that time it was for the SNM.

13 Q. And it says here it occurred on or about
14 February 3rd of 2001. Do you see that part there
15 I'm circling?

16 A. Yes, sir.

17 Q. How old were you in 2001?

18 A. 16 years old, sir.

19 Q. And as a result of your conduct, did the
20 Court treat you as an adult and therefore convict
21 you as an adult rather than a juvenile?

22 A. Yes, sir. That, and because of my prior
23 history.

24 Q. So you had enough history as a juvenile
25 that the Court thought this was serious enough to

1 treat you as an adult?

2 A. Yes. I had a lot of violent history as a
3 juvenile. And I did time in YDDC, Camino de Nuevo,
4 and Springer.

5 Q. What are those three places, starting with
6 YDDC?

7 A. YDDC is a Youth Diagnostic Detention
8 Center for juveniles. And I did time there. And
9 then I did time at Camino Nuevo, which is a super
10 max prison for juveniles, because of my violence in
11 the institution.

12 And then I did time in Springer for -- I
13 think all of it altogether were for armed robberies,
14 trafficking cocaine, attempted murder, things like
15 that, for the gang, for the street gang.

16 Q. Now, when you first started committing
17 crimes, was it for your street gang?

18 A. Yes, sir.

19 Q. And at some point in time did you start
20 committing crimes for the SNM Gang?

21 A. Yes, sir.

22 Q. I want to ask if you ever met somebody
23 named Angel Munoz?

24 A. Yes, sir. I met him in 2001 through
25 another SNM Gang member, Baby Zack.

1 Q. And did you meet Angel Munoz on the
2 streets or in prison?

3 A. In the streets.

4 Q. How did you get to meet Angel Munoz?

5 A. At that time, he was living in
6 Martineztown. I'm pretty sure it was Walter and
7 Mountain. And I went to help out my mother -- the
8 father -- my baby's mom's brother -- I went to help
9 him out, because he had got into debt with Angel
10 Munoz.

11 When he got out of the prison, he was put
12 to work for the SNM, because he was SNM, to sell
13 narcotics for them. He had came up short on some of
14 the narcotics. So Angel Munoz had him hostage at
15 gunpoint, and was demanding he repay the money, and
16 he was going to kill him.

17 Q. How did you help him out?

18 A. I went and I paid \$500 in debt to him.

19 At that time, Angel Munoz took a liking to
20 me. He asked me who I was and if I was down to do
21 things to further my agenda with the SNM, if I ever
22 hit prison.

23 Q. At that point, are you still a member of
24 the street gang, or are you --

25 A. Yeah, I've always still been a member of

1 the street gang until now, until I'm doing this now.

2 Q. Okay. So then who was Angel Munoz, as far
3 as you knew?

4 A. He was the leader at that time of SNM.

5 Q. And tell us about when you first met him.
6 Was he by himself? Did he have protection? Who was
7 there?

8 A. He had protection. I'm pretty sure there
9 was one of the individuals that's -- you guys know
10 him -- Jake Armijo; Jacobo. And that was it at that
11 time.

12 Q. And is Jacobo someone different than Jake
13 Armijo?

14 A. Yes. He was another influential member of
15 the SNM.

16 Q. How did you pay off this debt, in terms of
17 was it money, was it --

18 A. Yeah, I paid in money. I knew who the
19 guys were. I was fascinated by them because of the
20 respect and the fear they had on the streets at that
21 time. And he asked me to do -- if I could get
22 people that owed him money and bring them to him; if
23 I could like rob his competition. At that time, SNM
24 was trying to take over the drug connections in
25 Albuquerque, New Mexico. So I was set on a series

1 of robberies. I would go --

2 Q. Who would you rob?

3 A. I would rob other gang members, other drug
4 dealers. I would go in and I would let them know:
5 This is for SNM, either you guys are going to pay
6 tax or we're going to come back and we're going to
7 rob you. Next time, we might kill you.

8 There was one of the individuals I know
9 that was a rival drug dealer down the street; his
10 name, it was Popeye, from Martineztown. I kidnapped
11 him. We tasered him, kidnapped him, tied him up and
12 took him to Angel Munoz. And I don't know whatever
13 happened to him. I left from there.

14 Q. Let me stop you there then. When you say
15 you kidnapped him, did you take him by force?

16 A. Yes, I took him by force. We kicked in
17 the door of the front house, went in there armed
18 with weapons. I tasered him, then zip-tied him,
19 then put a gag over his face so he wouldn't see
20 where we were going. Drug him out; we threw him in
21 the trunk of a car; and then we took him to Angel
22 Munoz.

23 Q. How old were you at this time?

24 A. I was 16; I had just got out of the
25 Springer, the boys' school.

1 Q. And were you paid anything in exchange for
2 delivering this person to Angel Munoz?

3 A. Yes. I was given a quarter ounce of crack
4 cocaine.

5 Q. And were you using drugs at that time?

6 A. No, sir.

7 Q. Now, was anybody at that point mentoring
8 you or supervising you?

9 A. Yes, it was Baby Zack.

10 Q. And who was he?

11 A. I'm pretty sure his name is Zackary
12 Garcia, or Reynaldo Zachary Garcia. And he was my
13 baby's mom's brother. He had just got out of the
14 Hobbs prison in New Mexico.

15 Q. Was he an SNM Gang member?

16 A. Yes, sir.

17 Q. Was he related to any other gang members
18 that you knew of?

19 A. Yes, he was related to "Wild Bill," Billy
20 Garcia.

21 Q. Who is Wild Bill?

22 A. Wild Bill is another big influential
23 member of the SNM; another what you can say shot
24 callers.

25 Q. At this point, did Baby Zack go with you

1 on some of these robberies and things of that
2 nature?

3 A. Yes, he went with me on many of them. He
4 told me how to do them. On a lot of them he was a
5 lookout down the street while I'd be in there doing
6 them.

7 Q. And at this point are you an SNM member,
8 or are you maybe a prospective member?

9 A. No, I'm a prospect. I'm a Zia Keeskee.

10 Q. Where did you learn that term?

11 A. When I came to prison -- well, I learned
12 that in the streets. But when I came to prison, I
13 learned more about it. But at that time I was a
14 prospect. I was being groomed, what they call being
15 groomed to be a carnal.

16 Q. What did the term Zia Keeskee mean to you?

17 A. It's a Zia, they say Zia because we
18 represent New Mexico. The Zia, New Mexico. And
19 Keeskee is a prospect, it's Mayan. It's Mayan for
20 prospect.

21 Q. So that's a Mayan word?

22 A. Yes, sir.

23 Q. At some point, did Baby Zack get arrested?

24 A. Yes, he got arrested on a parole
25 violation.

1 Q. What did you do then without Baby Zack
2 mentoring you?

3 A. At that time, I just kept on doing what I
4 was doing in the streets with my street gang until I
5 was arrested.

6 Q. And now I'm taking you back to
7 Government's Exhibit 242. And this is page 23103 of
8 that exhibit, you'll see it in a second. Is that
9 the charge that eventually got you into prison?

10 A. I can't see it, sir.

11 Q. It will come up in a second. The
12 computer's a little slow. There it is.

13 A. Yes, sir.

14 Q. About how long were you in prison this
15 first time?

16 A. At that time, I was incarcerated for maybe
17 a maximum of a year, and I was released on a
18 deferred sentence, and given five years' probation.

19 Q. Where were you initially incarcerated when
20 you got to jail or prison this first time?

21 A. At this time I was in the Juvenile
22 Detention Center, but the court order reprimanded
23 (sic) me over to the adult jail because of the
24 violence I was inflicting in the juvenile facilities
25 at the time. I put three kids in a coma, and they

1 thought that I should be reprimanded over because
2 they couldn't handle me as a juvenile.

3 Q. At some point in 2003 are you back in jail
4 or prison?

5 A. Yes, I'm back in jail. I'm at the BCDC,
6 county downtown.

7 Q. What was BCDC? What was the full name for
8 it?

9 A. Bernalillo County Detention Center. It's
10 a county jail.

11 Q. Is that the jail that used to be in
12 downtown Albuquerque?

13 A. Yes.

14 Q. Is that still open now?

15 A. No, sir.

16 Q. What jail replaced that jail?

17 A. MDC.

18 Q. What does MDC stand for?

19 A. Metropolitan Detention Center.

20 Q. So in 2003, are you a member yet, or are
21 you still a prospect?

22 A. I became a member in 2003. But I was
23 still a prospect when I got locked up. And I became
24 a member -- it was in a unit, it was 6 west, center
25 pod.

1 Q. How did you become a member or who
2 approached you?

3 A. It was Billy Baca, a/k/a Duke. It was
4 Natavio Garcia, a/k/a Daffy. It was Bad Boy from
5 south side. And they got the okay from other
6 brothers in prison, like Styx. There was like Wild
7 Bill, them guys, they approved it. They thought I
8 was a good soldier; they'd been hearing good things
9 about me. And at that time I had just finished
10 committing a series of assaults. One of them, we
11 strangled a guy; he ended up surviving, he lived.
12 We thought he was dead. His name was Richard
13 Torrez, big head --

14 Q. Who was Richard Torrez?

15 A. He was supposed to be an LC, a rival
16 prison gang member.

17 Q. LC, Los Carnales?

18 A. Yes, sir.

19 Q. And why would it be important to you to
20 assault a rival gang member?

21 A. That's what's expected of us. That's what
22 we must do. If you come -- it's called "on sight."
23 If you come within -- we call it air and
24 opportunity, you have to do these things. If not,
25 you can be disciplined accordingly, sometimes death

1 or violation, beat up by other brothers.

2 Q. And did something happen to Angel Munoz in
3 about 2001?

4 A. Yes, sir. He OD'd and died in the county
5 jail in Santa Fe, in the federal holding.

6 Q. What did that do for SNM recruitment that
7 you know of?

8 A. At that time, you had Styx stepped up,
9 took over the car, and he started -- he formed what
10 was called a tabla. It was him, Arturo Garcia,
11 Michael Zamora, Robert Martinez, and Juanito Mendez.
12 There were five members of a tabla, and they started
13 running all SNM business.

14 Q. Now, when you came into the SNM, what
15 types of rules did they tell you about?

16 A. First, you have to have your bones. So
17 you have to shed blood from an enemy, which is
18 stabbing them, strangling them, murdering, things
19 like that. You have to never leave a brother what
20 we call flojas; that means leave him hanging during
21 or while there is a mission occurring.

22 Q. How might you leave a brother hanging?

23 A. Say we're going to go do a mission, and I
24 don't want to go; that's leaving a brother hanging.
25 We never say no. We're always playing offense, no

1 defense. So when it's time to go, we go. There is
2 no questions asked.

3 Q. What about cooperating with law
4 enforcement?

5 A. They'll murder you for that. There is no
6 ratting; there is no snitching. Yeah, that's a
7 death sentence in the SNM.

8 Q. So what happened in 2003, in terms of
9 being approached? Did they vote you in at that
10 time?

11 A. Yes, at that time -- that's one of the
12 rules, is you had to have three members, confirmed
13 SNM members had earned their bones, brothers at the
14 time, no dirt on their jacket. When I say "no
15 dirt," means that they were in good standing with
16 the SNM; they are influential.

17 And they voted me into the SNM. And they
18 sent word to other facilities, other prison
19 facilities. And word came back that they had got
20 together with other brothers in other yards, and
21 they sat down, they had meetings with other
22 brothers, and said, Look, this is a little carnal
23 that wants to come into the SNM; he's a good dude.
24 These guys vouch for him. And you guys think their
25 word is good enough.

1 Word came back that they thought I was a
2 good candidate of being a member, and at that time I
3 was made SNM.

4 Q. Now, why would someone like you be a good
5 candidate to become an SNM member?

6 A. Because I was willing to kill. I was
7 willing to do whatever the gang asked me to do. I
8 was vicious. I was very violent.

9 So yes, in SNM, we don't recruit weak
10 people. We don't recruit victims. We only recruit
11 people that are willing to do the violence that's
12 necessary to further the agenda of the SNM.

13 Q. Now, when you were in jail in 2003, about
14 how long did you stay incarcerated?

15 A. At that time I stayed incarcerated for --
16 I think it was a year. Then I was released back on
17 probation, reinstated on probation.

18 Q. How long did you stay on probation?

19 A. A few months. I was sent to Delancey
20 Street.

21 Q. What is Delancey Street?

22 A. It's a program for people that want to
23 change their life. But I didn't want to change my
24 life. It was just an escape goat (sic) to get back
25 out to the streets, to hook back up with other SNM

1 members.

2 At that time, I believe there was a couple
3 people that still needed to be killed by the SNM.
4 Kelly Mercer, Johnny Mercer, those were things that
5 were brought to my attention.

6 Q. Why did they need to be killed?

7 A. Because they had testified on some murders
8 that -- some other SNM members, when they had killed
9 Matthew Cavalier in the county jail, they'd
10 strangled him. And they turned around and they
11 testified and gave State evidence. And that was
12 back, I think, in '99.

13 So I had a list of people, if I came in
14 contact with, to murder. I had a list of brothers
15 to get in contact with to further the -- our agenda
16 of the SNM.

17 On one of the lists was Baby Zack. At
18 that time, he was still a good brother. I still --
19 I got back in contact with him. And my neighborhood
20 is known for drugs because of -- I have connections
21 in Juarez, Mexico. We went down to Juarez a couple
22 of times, brought back some narcotics, distributed
23 them amongst the brothers.

24 Q. What kind of drugs did you bring back?

25 A. I brought back pounds of weed, and a

1 couple of kilos of cocaine. At that time crack
2 cocaine was still big on the streets of Albuquerque
3 to sell.

4 Q. And what was the purpose of bringing those
5 drugs back?

6 A. Was to distribute them on the streets for
7 the SNM.

8 Q. Did you do that?

9 A. Yes, sir.

10 Q. Did you say this was powder cocaine or
11 crack cocaine?

12 A. Powder cocaine. We cooked it up ourselves
13 when we got it back.

14 Q. And you said you had basically a hit list
15 on the streets. Did you ever catch up to Kelly
16 Mercer or Johnny Mercer?

17 A. No. We would go down there -- their
18 residence at that time, I thought was in Valley
19 Gardens, in the south valley of Albuquerque. And
20 we'd go and we would look for them. But there was
21 never no word or they were around.

22 Q. And then how long did you stay out for
23 this particular period?

24 A. About two months, until I got busted.

25 Q. What did you get busted for?

1 A. Probation violation. They finally caught
2 up to me, because I was on the run from the Delancey
3 Street program.

4 Q. Okay. So basically Delancey Street got
5 you out of jail, but you just skipped out on that
6 program because --

7 A. Yes.

8 Q. -- you wanted to be on the streets?

9 A. Yes, sir.

10 Q. And as a result of not complying with your
11 conditions, they issued a warrant for your arrest?

12 A. Yes, sir.

13 Q. Okay. Let me turn your attention to --
14 going back to Exhibit 242, this is starting with
15 Bates stamp number 23106. In a second it will show
16 up on your screen here, sir. And let me turn --
17 first of all, what is this document?

18 A. In 2007?

19 Q. Yes. It's an entry at the top, "Entered
20 January 3, 2007," but I'm going to turn it now to
21 the next page.

22 A. Oh, that right there, that was -- I caught
23 a case where, when I went back into the county jail,
24 I had received a huila, what we call a huila or kite
25 from the streets. It was from one of the guys that

1 brought me into the SNM, Duke, Billy Baca, William
2 Baca. He said that there was a former SNM Gang
3 member dropout; his name was Manuel Maldonado --

4 Q. Let me stop you there for a second. Let's
5 turn to the next page of that document.

6 Okay. So Manuel Maldonado, where are you
7 when you pick up this charge?

8 A. I'm at the MDC county jail.

9 Q. Is that the one you told us about that
10 replaced BCDC in Albuquerque?

11 A. Yes, sir.

12 Q. Now, it shows here a charge of resisting,
13 evading, or obstructing an officer.

14 A. Okay. How I got that charge is I received
15 a huila -- I was in a program in the county jail
16 for -- so I can try to get back out to the streets.
17 I had violated. So during that, I was in that
18 program, I received a huila from another SNM Gang
19 member that there was hit on a former dropout gang
20 member. His name was Manuel Maldonado, a/k/a
21 Chaparro.

22 Q. Let me stop you there. First of all,
23 what's a huila?

24 A. A huila is -- it's a hit, or it's a letter
25 from another brother stating business about the

1 family, about the SNM.

2 Q. Now, were you in jail when you received
3 that huila?

4 A. Yes, sir.

5 Q. Did the huila come from inside the jail or
6 outside the jail?

7 A. Outside the jail.

8 Q. How was it delivered to you from outside
9 the jail?

10 A. It was delivered through a letter. And
11 the letter -- it was -- the way we would do it, it
12 was tic-tac-toe. And I decoded it. And it stated
13 that Manuel Maldonado was located in Seg 3, and he
14 needed to be taken care of, because he was a former
15 dropout of the SNM.

16 Q. All right. So you mentioned the term
17 tic-tac-toe. Was this in some sort of code?

18 A. Yes, it's a writing code we would use. So
19 that way, like the administration, they wouldn't
20 catch on. Like the STIU, the gang unit, they
21 couldn't catch on to our messages being sent in the
22 mail to each other.

23 Q. At this point, Manuel Maldonado is in the
24 same facility as you?

25 A. Yes, sir.

1 Q. Is he in the same pod or living area?

2 A. No, sir.

3 Q. How is it that you are able to gain access
4 to him?

5 A. Well, at that time I was suspected for
6 being an SNM Gang member, so I knew if I got in an
7 argument with STIU, I would go to a -- you know, to
8 the STG unit for Seg until holding, until they would
9 do my writeup. At that time, it worked, I got into
10 the Seg.

11 And when they were taking me in, I took
12 the unit hostage. I assaulted a CO, took the keys
13 from her; got in the security station and opened the
14 doors. And we got Manuel Maldonado, me and another
15 SNM member -- his name is Victor Silva, Sick Vic.
16 We tried to stab him. The knife dulled and bent on
17 us, but we severely beat him pretty bad. The knife,
18 I think we got him a couple of times.

19 Q. Now, the jury's heard a name of a person
20 named Sick Vic. Is this Sick Vic an SNM member or
21 is Sick Vic an LC member?

22 A. No, Sick Vic, SNM member. Victor Silva,
23 he was from Las Vegas, New Mexico, but he was living
24 in Albuquerque, New Mexico at the time.

25 Q. So this is a different Sick Vic?

1 A. Yes, sir.

2 Q. And Chaparro was a dropout?

3 A. Yes. He was someone we had been trying to
4 kill for a long time.

5 Q. Did he survive the assault?

6 A. Yes.

7 Q. And here you're telling us about an
8 assault, but it looks like the conviction was only
9 for resisting, evading, or obstructing an officer.

10 A. Well, he refused to press charges on us.
11 He didn't want to press charges. After he came
12 out -- I think he was in a coma for a little bit.
13 He came out and refused to press charges. He didn't
14 want to testify against the SNM. So they couldn't
15 get him to testify against me or the other SNM
16 member that did that to him. So they charged me for
17 battery on a peace officer.

18 So what I did is, the officer had made a
19 mistake by allowing me onto the floor with no
20 restraints and she had violated protocol. So we
21 started -- with my lawyer, we started attacking them
22 on that protocol. And so the case started falling
23 apart a little bit.

24 And it was like a lot of us know, we know
25 how to manipulate the system, we know how to work

1 the law in a lot of ways. And it worked. They
2 landed up offering me a plea bargain for evading and
3 obstructing a police officer and I took the
4 misdemeanor, and I was done with the case.

5 Q. So after all this conduct, you basically
6 ended up with a misdemeanor?

7 A. That was it.

8 Q. And did you use the rules of the jail
9 against them to get out of your felony charges and
10 into a misdemeanor charge?

11 A. Yes, I have, just like I've used them a
12 lot of times.

13 Q. And so are there times when you and other
14 SNM members use the rules of the prison against the
15 administration?

16 A. That's what we do. That's what we do.

17 Q. Let me turn your attention to page 23111
18 of that same exhibit. Okay. So the result here, we
19 have the resisting, evading, and obstructing an
20 officer. And you told us that was a misdemeanor; is
21 that correct?

22 A. Yeah, that's another one, yes.

23 Q. Okay. Let me now turn your attention to
24 page 23113 of that exhibit. Actually, let me turn
25 to the following page. Okay, I'm going to circle

1 here two charges, "aggravated battery," and it says
2 "HHM," and in parentheses "GBH." Do you know what
3 the full name of that charge is?

4 A. Yes, it's aggravated battery with great
5 bodily harm.

6 Q. And does the HHM stand for against a
7 household member?

8 A. Household member.

9 Q. So in simple terms, is it basically a
10 crime of domestic violence?

11 A. Yes, sir.

12 Q. And the next charge indicates possession
13 of a controlled substance, heroin?

14 A. Yes, sir.

15 Q. Do you remember what year this was?

16 A. That was in 2010 and 2011.

17 Q. I'm circling here "Date of offense
18 November 7, 2010," for the domestic violence charge?

19 A. Yes, sir.

20 Q. February 27 of 2011 for the heroin charge?

21 A. Yes, sir.

22 Q. Let's start with the domestic violence
23 charge. First of all, was that a felony level
24 offense?

25 A. Yes, sir.

1 Q. Who was the person that you assaulted
2 there?

3 A. It was my wife. My ex-wife.

4 Q. All right. Why did you assault her?

5 A. Well, because she had broke the rules in
6 the family, and they thought she was causing
7 problems because she had started talking to another
8 SNM member, and we've had these problems in the
9 past.

10 Q. When you say they thought it was a
11 problem, who was "they"?

12 A. The SNM members. Arturo Garcia, Anthony
13 Baca, Styx. And before this happened with Styx and
14 Julian, SNM members, and it caused a big problem
15 within the family; brothers got murdered over it,
16 brothers got stabbed over it, beat up over it. So
17 they felt it needed to be taken care of before it
18 got any further.

19 So as soon as I got out on parole, I --

20 Q. You hurt her?

21 A. Yes. Bad.

22 Q. And did you hurt her because it was
23 expected of you as an SNM member?

24 A. Yes, sir.

25 Q. And was this to avoid further dissention

1 within the gang?

2 A. Yes, sir.

3 Q. So you wouldn't have another Styx and
4 Julian situation?

5 A. Yes, sir.

6 Q. Did she eventually recover from her
7 injuries?

8 A. In time, yes. In time, yes.

9 Q. Now, how did you end up with a possession
10 of heroin charge in the same charge -- or the same
11 case, I should say?

12 A. In 2011, I had pulled another SNM Gang
13 member out to an address. We were trafficking
14 narcotics. And that morning, two officers had came
15 upon us at a gas station, it was a Love's gas
16 station. And at that time I was lucky enough for --
17 his name is Robert Shanks, Shanky, he ended up
18 assaulting one of the officers, so they paid more
19 attention to him than me, and I ended up getting
20 away.

21 And at that time, they found in his
22 possession four ounces of heroin chopped up and
23 \$2,700. And I think -- believe they found more
24 heroin and a gun in the trunk.

25 Me, I had managed to escape with heroin on

1 me, a gun on my waistband; it was a .45, and an
2 amount of money. Four days later, they caught back
3 up to me and they got me in possession of heroin and
4 money, and they locked me up for it.

5 Q. And had you been selling those drugs?

6 A. Yes, I had been selling those drugs.

7 Q. Who did those sales benefit?

8 A. The SNM.

9 Q. At some point in time, did you -- well,
10 did you know someone named Chris Garcia?

11 A. Yes, sir.

12 Q. Did you ever get drugs from Chris Garcia?

13 A. Yes, sir.

14 Q. Can you tell the members of the jury
15 whether you ever sent drugs that you got from Chris
16 Garcia into the jails or prisons?

17 A. Yes. In 2005, I would send -- I would
18 meet another SNM member's wife halfway from
19 Albuquerque to -- in Santa Fe. And I would send
20 them ounces of heroin, ounces of cocaine. And one
21 time we sent them a cellphone. That went on for a
22 period of six months, five to six months.

23 Q. Why was it just for that period of time in
24 2005?

25 A. Because I was only out for that period of

1 time.

2 Q. And who did you send drugs in to?

3 A. I sent drugs in to Arturo Garcia, Dan Dan
4 Sanchez, Enrique Roybal, and Benjamin Clark.

5 Q. Were those people SNM Gang members?

6 A. Yes, sir.

7 Q. You mentioned Dan Dan Sanchez. Do you see
8 that person in the courtroom today?

9 A. Yes, sir.

10 Q. I see you squinting a little bit. Do you
11 need glasses sometimes?

12 A. No, sir, I see him.

13 Q. What's he wearing?

14 A. He's right there. He's wearing glasses
15 and a tan suit, and I don't know if it's a black or
16 blue tie, white shirt.

17 Q. And is he one of the people you sent drugs
18 in to?

19 A. Yes, sir.

20 Q. Why did you send him drugs?

21 A. Because that's what we do. That's what
22 SNM does. We -- we're involved in the drug game.

23 Q. What kind of drugs did you send into the
24 prison?

25 A. At that time, I sent him heroin.

1 Q. I think you mentioned -- did you do that
2 because it was expected of you?

3 A. Yes.

4 Q. I'm going to fast-forward a little bit in
5 time and ask you if you -- if you find yourself in
6 jail pending a murder charge in 2015?

7 A. Yes, sir.

8 Q. And what eventually happened to that
9 murder charge?

10 A. I went to trial on it, they found me
11 guilty on manslaughter.

12 Q. And when that case was pending, where were
13 you housed?

14 A. I was housed at the MDC county jail in
15 Seg 3.

16 Q. In December of 2015, I want to ask you if
17 you remember something significant at the jail in
18 terms of an increase in the jail population?

19 A. Yes. I went to trial that morning. When
20 I left, the normal, the regular guys were there.
21 When I came back, it was all different. They moved
22 everyone out and they put all SNM Gang members in
23 there. At that time they were telling me Chris
24 Garcia was my neighbor and they were telling me that
25 they had just rounded all of us up on a RICO Act.

1 Q. And so before you knew it, you just had a
2 bunch of SNM members in the jail with you?

3 A. Yes, sir.

4 Q. And you don't need to tell us what was
5 said, but was there basically talk about the charges
6 and what was going on with the gang?

7 A. Yes, there was talk. Chris Garcia told
8 me, Man, they blew my door in at 4:30 this morning.
9 Carnal, they got us all.

10 So at that time little whispers would go
11 out on the tier. And they thought it was Crazo,
12 which is Eric Duran. And the next morning I seen
13 them in there shackling them all, handcuffing them,
14 taking them. So I'm looking and seeing who is all
15 there and who is not. And I seen a couple guys. I
16 was like, Oh, at least they didn't get them, yet
17 anyways. So that was basically it.

18 Q. Now, when -- do you eventually hear about
19 what some of the charges are?

20 A. It was RICO. It was for murder. It was
21 for a lot of murders that went unsolved that we had
22 committed. And one of it was for Marcantel, that
23 they thought we were going to -- we were trying, I
24 know, we were trying that for a while, the SNM was
25 trying to take out one of the STG officers or the

1 Secretary of Corrections.

2 Q. Why was that?

3 A. Because they weren't letting us -- they
4 were keeping us locked down because of our violence.
5 They weren't allowing us into general population
6 with other prison inmates because we were assaulting
7 them, murdering them, extorting them, bulldogging
8 them. So they would keep us secluded and keep us in
9 our own unit.

10 SNM thought they were losing ground on the
11 lines. They thought they were losing power. They
12 were losing respect. And they wanted to get back to
13 those lines very badly. But the gang unit, the
14 intelligence unit, wasn't allowing us to, as well as
15 the Secretary of Corrections. And --

16 Q. Let me ask you this: If you're locked
17 down, does that make it difficult to recruit other
18 members?

19 A. Yes, it makes it difficult for a lot of
20 things.

21 Q. What was the nature of the SNM Gang in
22 prison? What were you guys about?

23 A. Our nature was -- we live by the convict
24 code. We sold drugs, we extorted, we murdered. Our
25 motto was this: If you want something, you take it,

1 you demand it, you don't ask for it. Respect comes
2 from fear, nothing else. And that's how I was
3 taught in the SNM, is to take -- when we wanted
4 something, and don't let nobody tell us different.
5 And anybody that stood in our way, they were going
6 to either get assaulted or even murdered. That was
7 the way the SNM motto was.

8 Q. So what kind of problems did that create
9 when you were locked down just with each other?

10 A. Well, within each other, you have a bunch
11 of band of, you know, sharks. We didn't have no one
12 else to feed on. And throughout the years, we had
13 created some kind of problems within ourselves,
14 because there is no loyalty. They tell you there is
15 loyalty when you come into the SNM. This is
16 brotherhood. We're an organization. We're going to
17 run New Mexico. We're going to run the streets, you
18 know, all this. We're carnals. But it's not.
19 There is no loyalty.

20 When I was in SNM, every day I feared for
21 my life. I knew I couldn't trust none of my own
22 brothers. Having a normal conversation with them
23 wasn't even having a normal conversation with them.
24 It was just constant politicking, them trying to see
25 who you riding with? What you doing? What you down

1 to do? And it was constant --

2 MS. JACKS: Excuse me, Your Honor. This
3 appears to be a narrative.

4 THE COURT: Why don't you try to do a
5 little more Q and A.

6 MR. CASTELLANO: I'll break it up with
7 questions, Your Honor.

8 A. Sorry about that.

9 BY MR. CASTELLANO:

10 Q. That's okay, Mr. Cordova.

11 So you talked about kind of living in fear
12 on a regular basis. Did you carry a weapon with
13 you?

14 A. At all times.

15 Q. What kind of weapon would you carry?

16 A. I carried a shank -- I carried two. I
17 carried one up my rectum and I carried one on my
18 person.

19 Q. For what purpose?

20 A. For -- to put in work on other rival gang
21 members, or to protect myself from my own SNM Gang
22 members.

23 Q. Now, at any point in time, did carrying a
24 shank in your rectum ever cause you medical
25 problems?

1 A. Yes, I almost died from it. They had
2 to -- in Southern New Mexico Correctional
3 Facility -- had to take me, give me surgery. They
4 had to -- I had lesions, they call lesions -- I had
5 rips in my colon from keistering the shanks.

6 Q. And was it expected of members that they
7 should carry weapons whenever they could?

8 A. Well, this is the SNM motto: You ain't a
9 soldier if you don't condition yourself
10 physically -- meaning mandatory workout routines --
11 and you don't bear arms. So it's required of us to
12 bear arms at all times. Because you couldn't call
13 yourself a real soldier if you didn't have a knife
14 on you when you're in prison or a gun on you when
15 you're in the streets.

16 Q. Now, when you -- you talked about living
17 in fear, and kind of looking over your shoulder.
18 What were you thinking about the SNM in the December
19 2015 timeframe? Where were you in terms of how you
20 felt about the gang?

21 A. Mentally?

22 Q. Yes.

23 A. There was times where I had regret. There
24 was -- I remember the times I wanted to be an SNM
25 member, I wanted to be respected just like they

1 were. I wanted to have that loyalty, that
2 brotherhood.

3 But once I became an SNM member, as years
4 went by, I started to find out there was no loyalty
5 in the SNM.

6 Q. How did that change your perspective? I
7 mean, when you first joined, it probably sounded
8 like a great idea.

9 A. It was, it did, it sounded very great.

10 Q. So I want to turn your attention now to
11 going back to December 2015. Were you aware that
12 the Javier Molina murder was one of the murders
13 charged?

14 A. Yes, sir.

15 Q. When you saw people at the Metropolitan
16 Detention Center, did you think anybody was missing,
17 who should have been charged in that murder?

18 A. Yes, it was Carlos Herrera.

19 MS. JACKS: Objection. Calls for a
20 conclusion based on hearsay.

21 THE COURT: Why don't you lay some
22 foundation as to how he has the information.

23 MR. CASTELLANO: I'd be happy to, Your
24 Honor.

25

1 BY MR. CASTELLANO:

2 Q. Were you around when the Javier Molina
3 took place, the murder took place?

4 A. Yes, sir.

5 Q. In which pod were you?

6 A. I was in yellow pod. The pod next to it.
7 Blue pod is where the murder happened. I was in
8 yellow pod.

9 Q. And was Carlos Herrera in that pod?

10 A. Yes, sir.

11 Q. I'll get into it later on, but did you
12 know that he was involved in that murder?

13 A. Yes, sir.

14 Q. So when you went back to December of 2015,
15 did you see him with all the other gang members?

16 A. No, sir.

17 Q. So, in your mind, was he someone who was
18 missing, who should have been there?

19 A. Yes, sir. And I also knew, because we
20 keep in contact --

21 MS. JACKS: Objection. No question
22 pending.

23 THE COURT: Overruled. If you want to
24 elicit this testimony, you may.

25

1 BY MR. CASTELLANO:

2 Q. Please continue, sir.

3 A. All right. SNM word travels fast about
4 how we're doing things. And at that time, Lazy was
5 one of the real big influential members. So we knew
6 that, hey, when you get back to the South, carnal,
7 he'll be the one doing it, because they had moved us
8 all from Las Cruces, New Mexico, and placed us at
9 the Level 4 at the South in Santa Fe. So they knew
10 that he'd be one of the ones holding down the car
11 when I got there.

12 Q. What's the "car"?

13 A. The car is the clique, the SNM, the
14 family.

15 Q. And same question about December of 2015.
16 You mentioned that -- well, you said Lazy, is "Lazy"
17 also known as Carlos Herrera?

18 A. Yes, sir.

19 Q. Do you see him in the courtroom?

20 MS. BHALLA: Your Honor, we stipulate to
21 his identity.

22 THE COURT: Does that work for you, Mr.
23 Castellano?

24 MR. CASTELLANO: It works just fine, Your
25 Honor. Thank you.

1 A. Yeah. I see him. He's behind you. He's
2 in, I think, a blue, navy button-up shirt, and a
3 blue suit.

4 BY MR. CASTELLANO:

5 Q. And when you saw the other SNM members at
6 MDC, who else did you think was missing?

7 A. Rudy Perez.

8 MR. VILLA: Objection, lack of foundation.

9 THE COURT: Lay a foundation for this.

10 MR. CASTELLANO: Sure, Your Honor.

11 BY MR. CASTELLANO:

12 Q. Well, first of all, let me ask you: Who
13 did you -- without saying why, who did you think was
14 missing?

15 A. Rudy Perez.

16 MR. VILLA: Same objection, Your Honor.
17 Move to strike.

18 THE COURT: Overruled.

19 BY MR. CASTELLANO:

20 Q. Okay. Now, let's get to why you thought
21 Rudy Perez was missing.

22 A. Because I knew they had got the shanks
23 from his walker used to murder Javier Molina.

24 MR. VILLA: Objection. It's based on
25 hearsay.

1 THE COURT: Why don't you lay a foundation
2 for what he's about to say.

3 BY MR. CASTELLANO:

4 Q. Sure. Going back to the March 6 and March
5 7 of 2014 timeframe, did anybody ask you for a
6 shank?

7 A. Yes.

8 Q. Who was that person?

9 A. 2014?

10 Q. Yes, when the Molina murder happened.

11 A. Yes, it was Dan Dan Sanchez.

12 Q. Did he tell you why he wanted a shank?

13 A. So we can hit this fool, he said. And he
14 was talking about Javier Molina.

15 Q. Did you give him your shank?

16 A. No.

17 Q. Tell us about that conversation, please.

18 A. At that time, he called me to the door a
19 few seconds, Hey, carnal, do you have a spare
20 fierro? We need to hit this fool.

21 I said, No, I don't have a spare fierro.
22 I just got mine, carnal.

23 And he said, All right. And he left from
24 the door.

25 Q. What kind of door is this?

1 A. It's a tier separation door between the
2 pods. They're fire exits.

3 Q. And did you later hear back from Daniel
4 Sanchez about shanks?

5 A. About 20 minutes later he comes back to
6 the door and he tells me, "Never mind, carnal, we
7 got them from Fat Ass downstairs."

8 Q. Who did you know Fat Ass to be?

9 A. Excuse my language. We knew it was Rudy
10 Perez. We used to call him -- we never called it to
11 him to his face, but, you know, we all have little
12 nicknames that we clown on each other behind each
13 other's back sometimes.

14 Q. So for these reasons, then, you noticed
15 that both Carlos Herrera and Rudy Perez were missing
16 from the picture?

17 A. Yes, sir.

18 Q. Now, going back to December of 2015, and
19 then January of 2016, you mentioned that you were
20 kind of burned out with the gang.

21 A. Yes. When I came back, I got to the
22 north, Pup had gotten shipped out of state. Dan Dan
23 had got shipped out of the state. Archie had got
24 shipped out of state. At those time, those are
25 influential members. Everybody, it was like back to

1 2005, when the tabla started, everybody started
2 fighting for power. Everybody was in their own
3 little groups. And everybody was armed and against
4 each other for power. They were -- they were
5 politicking, is what we call it, in the yard: Who
6 was going to run the car, who was going to be next
7 on the tabla.

8 Q. How did you feel about that?

9 A. Heartbreaking.

10 Q. So in January of 2016, are you called into
11 a room to meet with law enforcement personnel?

12 A. Yes, sir.

13 Q. Who do you meet with?

14 A. I meet with Bryan Acee; Lerner from the
15 sheriff's department; and Mark Myers from the FBI.
16 And there is Cupit from the STIU is in there.
17 Gallardo is one of the STIU officers in there. And
18 I'm pretty sure there was a couple more STIU
19 officers in there.

20 Q. Now, did you expect to meet with anybody
21 that day, or did you just get called into a room?

22 A. I knew eventually they were going to come
23 and talk to me.

24 Q. Why did you think that?

25 A. Because there was a RICO Act going on in

1 the SNM. I knew what we were about. I knew the
2 things we were doing, so -- and I knew what I was
3 doing for the SNM, so I knew it was just a matter of
4 time till they come talk to me.

5 Q. So what went through your mind when you
6 walked into that room?

7 A. I had a lot of conflicting emotions inside
8 me. I wanted to cooperate, but then I didn't want
9 to cooperate. I felt about the shame on my
10 reputation, how my family would look at me, how my
11 friends, everybody in that lifestyle would look at
12 me. But then there was another side of me where I
13 just no longer wanted to be an SNM member no more.

14 Q. So you were, when you walked in, you were
15 Billy Cordova, SNM soldier?

16 A. Yes, sir.

17 Q. And were you -- how did you feel about
18 giving up that identity?

19 A. It was a hard decision. It was hard. But
20 it was easy in the way that I had so much pressure
21 on me, I was tired of living the way I was. I just,
22 I wanted out. I wanted out.

23 Q. You knew there were other ways out, like
24 the RPP Program, and things of that, right? Things
25 of that nature.

1 A. Yeah, but that's not really out.

2 Q. Why do you say that?

3 A. Because you walk away, but you don't walk
4 away. It's -- how can I say it? You go to the RPP,
5 right, and once you walk away, you're considered a
6 dropout. They look at you as any other way. But
7 there is no opportunity there. Once you go there,
8 you're going to still get back out to the streets of
9 Albuquerque, you're going to still have to be faced
10 with the same things, probation and parole still
11 kind of look at you the same way. So to me, that
12 kind of really wasn't an option.

13 Q. What about to PC, or go into protective
14 custody?

15 A. No, I didn't want to. I wasn't -- I
16 didn't want to do that either.

17 Q. So did this suddenly seem to be the best
18 option to you?

19 A. It seemed like the best option to me.

20 Q. So what -- tell us about that interaction
21 in the room. Did they tell you they were looking at
22 you?

23 A. Yes, sir.

24 Q. What did you think about that?

25 A. Well, like I said, I just -- it was more

1 about me just -- I wanted to get everything off my
2 chest and just walk away. Because I knew the crimes
3 I've done for SNM would come back to haunt me in
4 later years. That's why I say RPP really wasn't a
5 walking away tactic. And the FBI was there. I knew
6 one day these things were going to come back and get
7 me.

8 Q. About how long do you remember that first
9 meeting being?

10 A. About four hours.

11 Q. And when you agreed to cooperate, did the
12 FBI and the U.S. Attorney's Office agree to get you
13 an attorney?

14 A. Yes, sir.

15 Q. And once you got that attorney, then did
16 you tell us about other things that you had done in
17 your past?

18 A. Yes, sir.

19 Q. Was that under what's called the
20 protection of a Kastigar letter?

21 A. Yes, sir.

22 Q. When you were on the streets, I want to
23 ask you about an LC member who was given a hotshot.

24 A. Yes, sir.

25 Q. Tell us about that, please.

1 A. Yes, sir. This is around right when I got
2 out of prison, out of Santa Fe South. I had gotten
3 a call on my cellphone from Chris Garcia, another
4 SNM Gang member. He tells me, There is a carnal you
5 need to rap to, ay.

6 Q. What did that mean to you? Go talk to
7 him?

8 A. And when they say "rap to," they say you
9 need to see him, it's business. So I said, All
10 right, carnal, where's he at?

11 And he said, Washa, he's going to call
12 you.

13 So he calls me up. I go and meet him
14 right there on Lafayette, between Aztec and
15 Comanche. And he tells me, carnal, check it out.
16 There is a sha sha, shaballa, that's a code word for
17 LCer, a rival prison gang member, running around
18 right here, carnal. And this is -- we need to take
19 care of this. It's making us look bad.

20 And I said, All right, carnal, what's up?
21 Where's he at?

22 Right now, he's trying to score some
23 drogas.

24 Q. Why was he making you look bad?

25 A. Because he's a rival prison gang member,

1 and he's running around on our turf. That's not
2 acceptable.

3 Q. He's running around doing what?

4 A. He's running around and kind of pushing
5 his weight around with other drug dealers that we
6 already had in our pocket. And he was making us
7 look bad, so we needed to take care of him.

8 Q. Who is "we"?

9 A. Me and Anatacio -- no, it's Amador,
10 Anatacio Amador, Boxer.

11 Q. Okay. What did you guys do?

12 A. He told me, Hey, carnal, this vato is over
13 there right now trying to get some drogas from the
14 little carnal's brother.

15 The carnal's name at that time, I believe,
16 was either Smoky or Spooky, he was a carnal.

17 Q. What year is this?

18 A. This is 2005. And I said, He's trying to
19 get some drogas.

20 He's all, What do you think, carnal? I
21 think we should smoke this fool, give him a hotshot.
22 I told him, man, it's better for us to -- at that
23 time I had a painting company. I had my own
24 business. I was selling a lot of drugs, I was real
25 successful at that time on the streets with the SNM.

1 I told him, I think it's better we just
2 handle it clean, and get it done cleaner than
3 messier. Because if we do it messy, it's going to
4 mess up a lot of good things we got going for us
5 right now.

6 Q. What do you mean by "clean" versus
7 "messy"?

8 A. Clean is like a hotshot, maybe strangle
9 him, make it look like he hung himself, a suicide.
10 That way law enforcement won't be looking for a
11 murder. They wouldn't be looking for someone who
12 shot him or stabbed him.

13 So he says, All right, carnal; he's like
14 you got some clavo, I got some chiva. He's all, I
15 got some -- I had heroin on me at that time.

16 Q. What is chiva?

17 A. Chiva is heroin. It's, you know, a street
18 slang word.

19 And he says, I got something I can put in
20 it. We can take care of it that way.

21 I said, All right. So I handed him some
22 heroin. He went into --

23 Q. Who handed who the heroin?

24 A. Boxer, Anatacio Amador.

25 Q. Where did you guys go with the heroin?

1 A. Well, he went into the apartment. We knew
2 some strippers from TDs; went into the apartment,
3 and he mixed up a hotshot, came out. And he had
4 ballooned up two separate heroin packages, one that
5 had the hotshot, and one that was for the person
6 that was going to give him the hotshot for us, we
7 were paying him, more or less paying him to keep his
8 mouth shut.

9 Q. You're paying who? Is this a third person
10 now?

11 A. Yes, this is -- that's the other SNM
12 member's little brother. And at that time, I had a
13 1995 sedan DeVille Cadillac, a white one with tinted
14 windows. And we drove up to the house. We rolled
15 down the window just a little bit, called the dude,
16 said, Hey, we're out here.

17 So when he came out to the car, he went
18 around to Boxer's side. Boxer said, Look, the black
19 balloon is for you, Little Homie, all right? The
20 red one is for that vato. Don't break into that one
21 because it's bad, it's a hotshot. So make sure the
22 vato gets it. Call us when the vato drops, and
23 we'll take care of the rest.

24 Q. So did you give the drugs to this -- how
25 old is the kid?

1 A. The kid is probably about 19, 18.

2 Q. You send him back into the house with the
3 drugs?

4 A. Yes.

5 Q. What happens?

6 A. Well, we leave, okay? At that time, my
7 baby's mom -- we had the car seats in the Cadillac;
8 she always used the Cadillac to do everything with
9 my daughter, so she takes off in the Cadillac.

10 And he calls us back up and he says, Hey,
11 this Vato has dropped. He's been in the bathroom
12 already for a good minute and he hasn't answered. I
13 think he's out.

14 Q. Is this the person you sent into the house
15 with the bad drugs?

16 A. Yes. So, at that time, I had a few cars
17 at that time on the streets. At that time we got
18 into a separate car. I had a 1984 Regal, it was a
19 lowrider. And we got into it, and I told him, Let's
20 go. So we drove around to the back of the apartment
21 complex, the back window, we went into the house,
22 and we had to push our way into the bathroom.

23 Q. Why?

24 A. Because his legs were in the way of the
25 door, it was stopping the door from opening. We had

1 to push our way into the bathroom. As soon as I got
2 in the bathroom, it stunk, stunk bad. I don't know
3 if the guy -- I think he defecated, like used the
4 restroom on himself, whatever, so we got a sheet.
5 We wrapped up the body in a sheet, and we took it
6 out through the back window. I parked my car with
7 the trunk right next to the back window so no one
8 would see us, what we were doing; put him into the
9 trunk.

10 And we were driving off, Boxer tells me,
11 carnal, we're in a lowrider, we've got a dead body
12 in the trunk; we look like gang members. We need to
13 dump this body fast.

14 Q. That kind of vehicle is going to get
15 someone's attention; is that correct?

16 A. Yes.

17 Q. What do you guys do with the body?

18 A. So we go around the corner. There was a
19 church. And we dumped the body right there at the
20 church.

21 Q. And did anything ever come of that? Did
22 you ever hear anything about it after that?

23 A. No. I just know they had picked up the
24 body, and that was it.

25 Q. Did you -- and is this something you did

1 for the SNM?

2 A. Yes.

3 Q. Why?

4 A. Because that's what was expected of us.

5 Q. I want to ask you about someone named
6 Sammy Chavez.

7 A. Yes.

8 Q. And are you aware of him getting killed?

9 A. Yes, sir.

10 Q. What do you know about that?

11 A. Right. I was out on parole, it was in
12 2008. And at that time, I didn't know Sergio
13 Rodriguez was a carnal. I knew him, he's a real
14 good friend of mine from the neighborhood. And our
15 gangs, our street gangs would kick it together, and
16 I did juvenile time with him. So --

17 Q. This is Sergio Rodriguez?

18 A. Sergio Rodriguez. So we met up at the
19 P.O.'s office, and I see him there. He tells me,
20 hey, carnal, I need to rap to you.

21 I'm tripping out because he's calling me
22 carnal. No one calls each other carnal unless
23 they're a member of the SNM.

24 Q. What's the P.O.'s office?

25 A. The P.O.'s office is located on Gold

1 Street and Broadway.

2 Q. Is that for probation and parole officers?

3 A. Yes, sir. It's ISP, Intensive
4 Supervision.

5 Q. So you run into him over there?

6 A. Yes.

7 Q. Did you know he was a brother at that
8 time?

9 A. No, not until after he told me.

10 Q. And so what's this conversation you have?

11 A. So later on, we meet up. We meet up right
12 there at 7-Eleven on Carlisle and Candelaria. And I
13 follow him to his sister's house up the street. And
14 we get down, we start talking. He's like, Hey, I'm
15 a carnal.

16 I told him, I kind of figured, Homes, you
17 were dressing that way. So what's up?

18 And he tells me, Well, Arturo Garcia, Juan
19 Mendez, and these vatos, they brought me in, carnal,
20 and they want me to take care of some stuff for
21 them.

22 And I told him, Well, what's up?

23 And he tells me, This vato, Sammy Chavez,
24 needs to go.

25 Q. He is saying this vato, Sammy Chavez,

1 needs to go?

2 A. Yes, This vato, Sammy Chavez, needs to go.

3 Q. What did you take that to mean?

4 A. It means he has to die.

5 Q. And what was the problem with Sammy
6 Chavez?

7 A. Sammy Chavez, there was an issue back in
8 the day with him and Hobbs, where he was supposed to
9 move on another SNM Gang member. And it was
10 unsuccessful. And at that time politics had
11 changed. So Sammy had found himself kind of on the
12 bad side of the politics. And Arturo Garcia had
13 went up in the yard, at the North, and spoke for
14 him, and said, Look, you guys ain't going to touch
15 this vato.

16 And in return, he told Sammy, Just look
17 out for me, ese, make sure I'm good when you get
18 out. So when he got out to the streets, he started
19 sending Arturo Garcia narcotics.

20 Q. So is this Sammy Chavez?

21 A. Yes.

22 Q. So Sammy Chavez is back on the streets.
23 And where is Arturo Garcia?

24 A. He's in the Santa Fe prison at the Level
25 6, at PNM North.

1 Q. At this point, Arturo Garcia expects Sammy
2 Chavez to send him drugs?

3 A. Yes. And he sent him a couple of times.
4 But then he stopped sending him. Arturo Garcia felt
5 disrespected because he put up his name for him and
6 stopped other carnals from killing him. So at that
7 time he's outraged, and he tells Sergio Rodriguez,
8 You're a carnal now, you need to go out there and
9 earn your bones, put in work and kill this vato.

10 Q. Did you advise Sergio Rodriguez in any way
11 about how this should be done?

12 A. Yes. I told him, All right, carnal, if
13 you're going to do it, try to give him a hotshot.

14 And he says, Nah, they don't want no
15 hotshot. They want him done, they want him done
16 good, to set an example.

17 I said, Okay, if I was to do it, make sure
18 you take the gun apart, you wipe everything down.
19 Because the smallest fingerprint left on the barrel
20 or inside the slide could lead to that person that
21 gave you the gun, and then that person can tell on
22 you and get you convicted. So wipe the gun down.
23 Make sure you mask up. Don't let -- in other words,
24 you know, cover your face, have gloves on, make sure
25 you wear a long-sleeved -- either a sweater or a

1 long-sleeved shirt. That way no GSR, gun residue,
2 gets on you when the gun is fired.

3 Q. What does that mean?

4 A. GSR is gun residue. And I was just
5 telling him to make sure he was covered up real good
6 so none of it would get on him when he shoots him.

7 And I told him, Don't be clipping him.
8 Shoot him till the gun is empty, and get up and walk
9 away. And make sure you use a car that can't be
10 linked back to you, or linked to anybody. Drive the
11 car, don't burn it, because it causes too much
12 attention. Just take it to a car wash, and make
13 sure the quarter that you use is wiped down also.
14 That way there is no skin cells for DNA. There is
15 no fingerprints or nothing on the coin.

16 And you spray the inside of a car down
17 with soap and water, and the outside, and that will
18 kill all evidence, any kind of --

19 MS. JACKS: Objection, Your Honor. This
20 again appears to be a narrative.

21 THE COURT: Why don't you do some Q and A.

22 MR. CASTELLANO: Sure, Your Honor.

23 BY MR. CASTELLANO:

24 Q. So why use soap and water and spray out
25 the inside of the car?

1 A. Because what it will do, it won't cause no
2 attention, for one. I mean, you don't have a
3 burning car, and people ain't gonna -- they're just
4 going to think you're washing down a vehicle. And I
5 told him, after that, you have another vehicle
6 parked down the street, close to the car wash, and
7 you walk down, you get in the vehicle.

8 Q. Why would you do that?

9 A. Because it's a better way for you to get
10 away. It's less heat to you, you know. And to
11 spray it down, you're getting rid of all the
12 evidence without having to burn the car, or do
13 anything fantastic, you know.

14 Q. What eventually happened?

15 A. What eventually happened is Sammy Chavez
16 got murdered.

17 Q. Now, other than giving advice to Sergio
18 Rodriguez, did you participate in that shooting?

19 A. No.

20 Q. And do you know whether Sammy Chavez was
21 killed by shooting?

22 A. Yes.

23 Q. Where was he killed?

24 A. He was killed in Martineztown, where he
25 was found in a park.

1 Q. And why was this done?

2 A. They said that it was done because of
3 Arturo's situation, Arturo Garcia.

4 Q. And Arturo Garcia was an SNM Gang member?

5 A. Yes, sir.

6 Q. Going back now to January of 2016. You're
7 at the point where you've agreed to cooperate with
8 law enforcement?

9 A. Yes, sir.

10 Q. And you've told the members of the jury
11 that you believed that two people weren't arrested
12 who should have been?

13 A. Yes, sir.

14 Q. As a result of that belief, did you agree
15 to record these two people in jail?

16 A. Yes, sir.

17 Q. And who did you record first?

18 A. I recorded Rudy Perez first. It was over
19 at the PNM North. It was in Q pod. I was in cell
20 2, he was in cell 1.

21 Q. Let me you ask a question about that. So
22 you were already in jail for the manslaughter case?

23 A. Yes, sir.

24 Q. And so at that point they transported you
25 up to the North facility?

1 A. Yes, sir.

2 Q. And put you next to Rudy Perez?

3 A. Yes, sir.

4 Q. I'm looking for defense exhibit, I think
5 it might be V24. Yes, Defense Exhibit V24, if we
6 can see that, please.

7 While we're waiting for that to come up,
8 Mr. Cordova, about how soon after you met with the
9 FBI were you placed next to Mr. Perez to record him?

10 A. I'd say that same day.

11 Q. And so when you first met with him in
12 January, when were you recording Mr. Perez?

13 A. I was recording him from I think sometime
14 in February, for a few weeks after that.

15 Q. At this time let me show you V24. Okay.
16 So looking at V24, do you see at the top where it
17 says Rudy Lee Perez?

18 A. Yes, sir.

19 Q. And do you know that this is an offender
20 location history chart?

21 A. Yes, sir.

22 Q. And what pod was it you said you were in?

23 A. 3A Q pod.

24 Q. Okay. I've underlined -- okay. Do you
25 see in the time period of October 20th, 2015, to

1 April 18 of 2016, and it says here 3A, N3A Q101S?

2 A. Yes.

3 Q. What facility is that?

4 A. That's the North.

5 Q. And what is Q101?

6 A. That's the pod and cell he's in.

7 Q. And what cell were you in?

8 A. I was in the cell directly next to him, in
9 cell 2.

10 Q. So is Rudy Perez in 101 and you're in 102?

11 A. Yes, sir.

12 THE COURT: Mr. Castellano, would this be
13 a good time for us to take at least our first
14 morning break?

15 MR. CASTELLANO: Yes, Your Honor.

16 THE COURT: All right. We'll be in recess
17 for about 15 minutes. All rise.

18 (The jury left the courtroom.)

19 THE COURT: All right. We'll be in recess
20 for about 15 minutes.

21 (The Court stood in recess.)

22 THE COURT: All right. Let's go on the
23 record while Ms. Standridge is bringing in the jury.
24 I want to talk to you a second about your
25 subpoenaing and -- a lot of witnesses. You know,

1 the marshal has a limited amount of manpower. So if
2 you're bringing witnesses in to talk to them, we may
3 have to do a little bit of triage so that we make
4 sure we got the witnesses here that are ready to
5 testify.

6 And then those witnesses that you're
7 wanting to talk to, if we don't have enough manpower
8 to get them here, we may need to figure out
9 something to do off-site. So all I'd encourage you
10 to do, I'm not going to do any more than this: Talk
11 to the marshals, tell them who you want to be here
12 for calling witnesses. Seems to me that ought to be
13 first.

14 If you've got people that you want to talk
15 to you, you've got to go on down, you may have to
16 figure out some other way to talk to them. But
17 they've only got a limited amount of manpower. You
18 don't want to run out of witnesses, so make sure
19 that that's kind of the priority.

20 So work with them, tell them what you're
21 doing. You don't have to tell me, you don't have to
22 tell the Government. But tell them what you're
23 doing so you make sure that you have the witnesses
24 that are going to testify here and on time and ready
25 to go. And then those that you may be just wanting

1 to talk to, to decide whether to call, maybe those
2 people could go further down the list, so that if
3 you had to you, could talk to them off-site.

4 All right. Ms. Bhalla?

5 MS. BHALLA: Yes, just briefly, Your
6 Honor. Before we get into playing the recordings,
7 we have an objection. Defendant Herrera has an
8 objection to Exhibit 195. They're not about to get
9 into that now, but I wanted to try to raise it to
10 the Court's attention so that we can have it
11 resolved before it gets played, so we're not going
12 in and out like we were yesterday.

13 THE COURT: What is your objection on 195?

14 MS. BHALLA: It's a transcript, Your
15 Honor, of a conversation regarding the Julian Romero
16 hit. My client has never been charged with that.
17 It hasn't been disclosed as a bad act and at this
18 point we think it's more prejudicial than probative
19 and misleading.

20 THE COURT: Are you objecting to the whole
21 transcript or just a portion of it?

22 MS. BHALLA: You know, Your Honor, I think
23 the whole thing deals with that. We certainly agree
24 to striking the portions that deal -- doing it that
25 way, just the portions that deal with Mr. Romero.

1 But my recollection is that the whole transcript's
2 about Julian Romero. But --

3 THE COURT: Give me the lines that you're
4 most focused on.

5 MS. BHALLA: May I approach?

6 THE COURT: Sure.

7 MR. CASTELLANO: Do you have the Bates
8 numbers?

9 MS. BHALLA: It's -- sorry. It's
10 Government's Exhibit 195. And it begins with Bates
11 No. 20860, and goes through 20873.

12 THE COURT: Why don't you maybe make a
13 copy of what you have and give it to Ms. Standridge.

14 The jury is already lined up here.

15 MS. BHALLA: Yes, Your Honor.

16 THE COURT: Why don't you just make a copy
17 and give it to Ms. Standridge and I'll take a look
18 at it.

19 MS. BHALLA: Yes, Your Honor.

20 THE COURT: All rise.

21 MR. CASTELLANO: And I'll have arguments
22 about that later, Your Honor.

23 (The jury entered the courtroom.)

24 THE COURT: All right. Everyone be
25 seated.

1 All right. Mr. Cordova, I'll remind you
2 that you're still under oath.

3 Mr. Castellano, if you wish to continue
4 your direct examination, you may do so at this time.

5 MR. CASTELLANO: Yes, sir. Thank you.

6 At this time, Your Honor, I'd like to
7 move, without objection, the admission of
8 Government's Exhibits 768, 769, and 770. These are
9 each physical location histories.

10 THE COURT: All right. Anybody have any
11 objection? Not seeing or hearing any, Government's
12 Exhibits 768, 769, and 770 will be admitted into
13 evidence.

14 (Government Exhibits 768, 769 and 770
15 admitted.)

16 MR. VILLA: Could we just get which one --

17 MR. CASTELLANO: Sure. Your Honor, for
18 the record, Exhibit 768 is the physical location
19 history for Rudy Perez. 769 is the physical
20 location history for Carlos Herrera. And 770 is the
21 location history for Billy Cordova.

22 MR. VILLA: Thank you.

23 BY MR. CASTELLANO:

24 Q. Okay. Mr. Cordova, I didn't want to mark
25 on the defense exhibit, so I'm going to show you

1 these, so it's easier to see them.

2 On the left-hand side is Exhibit 770.

3 That's your location history. And the right-hand
4 side, I'm going to put up Rudy Perez' location
5 history.

6 I'm going to show you, there are
7 highlights on these exhibits. On the left-hand
8 side, the lower portion highlighted shows your
9 location in Q pod from January 21, 2016, through
10 February 9, 2016.

11 Do you see that, sir?

12 A. Yes, sir.

13 Q. And then that is in Q102. Do you see
14 that?

15 A. Yes, sir.

16 Q. And is Q, Q pod?

17 A. Yes, sir.

18 Q. And is the N3A, is that housing unit 3A?

19 A. Yes, sir.

20 Q. Now, on the right-hand side for Rudy
21 Perez -- I'm putting a little dot by the location
22 history -- from 10/20 of '15 through 4/18 of '16,
23 and it has N3A Q101S. Do you see that?

24 A. Yes, sir.

25 Q. Okay. So you were saying earlier that

1 Rudy Perez was in Q101 or cell 101 in Q pod?

2 A. Yes, sir.

3 Q. And you were in 102?

4 A. Yes, sir.

5 Q. And is it during this timeframe, January
6 21 through February 9, 2016, that you were housed
7 next to Rudy Perez for the purpose of recording him?

8 A. Yes, sir.

9 Q. Now, when you were -- were you provided
10 some sort of recording device to capture your
11 conversations with Mr. Perez? Were you provided a
12 recording device?

13 A. Yes, sir.

14 Q. Now, without describing that device for
15 us, can you tell the members of the jury whether it
16 had an on and off switch?

17 A. Yes, sir.

18 Q. Did it have any other buttons for
19 rewinding or deleting information, anything like
20 that?

21 A. No, sir, just an on and off switch. That
22 was it.

23 Q. And who did you talk to about recording
24 Mr. Perez? What discussions did you have with which
25 agents?

1 A. Which agents did I have --

2 Q. Yes. For example, did you talk to Agent
3 Acee about this?

4 A. Yes, sir.

5 Q. And when you were provided with that
6 device, what sort of instructions were you given?

7 A. That it was just an on and off switch.

8 Q. What were you supposed to be capturing?

9 A. Talking about the Molina hit.

10 Q. And what issues, if any, were there with
11 battery power or battery life for that device?

12 A. It had AAA batteries. So I was
13 concerned -- I know I needed to only record things
14 when things needed to be recorded. Because, if not,
15 I couldn't replace the batteries.

16 Q. And what was the problem with replacing
17 batteries? Where were you?

18 A. I was in prison. But you can order them
19 from canteen, but it takes a week to get to you. So
20 it's -- I was real concerned about making sure the
21 batteries were good.

22 Q. Did Agent Acee or someone else also
23 express to you that you should be careful with
24 capturing the relevant portions because you might
25 run out of battery life?

1 A. I don't recall.

2 Q. Before trial, have you listened to each of
3 these recordings?

4 A. Yes, sir.

5 Q. And are they -- do they fairly and
6 accurately reflect the conversations as you recorded
7 them?

8 A. Yes, sir.

9 Q. And have you also reviewed the transcripts
10 of the recordings?

11 A. Yes, sir.

12 Q. And for the most part, are they accurate?

13 A. Yes, sir.

14 Q. Have you noticed a few inaccuracies here
15 and there?

16 A. No, sir.

17 Q. Okay.

18 MR. CASTELLANO: Your Honor, at this time,
19 I'd move the admission of Government's Exhibit 176.

20 THE COURT: Any further discussion on 176?

21 MR. VILLA: Nothing further.

22 THE COURT: Not hearing anything further,
23 Government's Exhibit 176 will be admitted into
24 evidence.

25 (Government Exhibit 176 admitted.)

1 MS. JACKS: And, Your Honor, we would
2 request limiting instructions.

3 THE COURT: All right. This is going to
4 be a conversation with Mr. Perez, and so you can
5 only consider this tape in evidence in your
6 deliberations against Mr. Perez and not as to any
7 other defendants.

8 BY MR. CASTELLANO:

9 Q. Mr. Cordova, there is going to be on your
10 left a screen which will have the transcript and
11 then you will also hear the recording over the
12 system?

13 A. All right.

14 Q. At this time, I'm going to begin
15 playing -- before I begin playing Exhibit 176 for
16 you, do some of these conversations start and stop
17 mid sentence?

18 A. Yes, sir.

19 Q. Why is that?

20 A. Because when I felt there was something
21 that needed to be recorded, I would turn it on. And
22 then when I felt like there wasn't nothing that
23 needed to be recorded, I would turn it off. Because
24 of the batteries, I didn't -- I didn't want the
25 batteries to go dead on me and then not have -- you

1 know, have it when I needed it, when something good
2 came out.

3 Q. And as far as you knew, who at the prison
4 knew that you had a recording device?

5 A. As far as I knew, just STIU. I don't --

6 Q. What types of problems could that have
7 created for you in having a recording device in the
8 prison?

9 A. What kind of problems? A lot.

10 Q. Like what kind?

11 A. Like are you saying from the inmates?

12 Q. Let's start with the inmates.

13 A. Be stabbed and murdered.

14 Q. And what about even from the correctional
15 staff, possibly?

16 A. Probably go tell on me, or -- you know,
17 those are chances I didn't want to take, you know,
18 someone make a comment that I had a recording
19 device. That's something you don't want to be
20 talking about in prison, especially not in a
21 facility like the North, Level 6.

22 Q. Level 6. Is that the maximum security
23 facility in Santa Fe?

24 A. Yes, sir.

25 Q. Okay. I'm going to start playing the

1 recording. And we'll stop it from time to time to
2 ask you some questions. Okay?

3 A. Yes, sir.

4 Q. Before it starts, there is a reference to
5 someone giving Mr. Perez squina. What is squina?

6 A. Help, just helping him.

7 Q. And then is this a transcript of you and
8 Rudy Perez?

9 A. Yes, sir.

10 Q. And are you identified as CHS, or
11 Confidential Human Source, in this exhibit?

12 A. Yes, sir.

13 Q. Okay. Let's begin.

14 (Tape played.)

15 Q. Okay. You seem to be referencing a
16 previous conversation. Is that accurate to say?

17 A. Yes, sir.

18 Q. And you mention -- or actually Mr. Perez
19 says, "The Molina talk down there, it's between us,
20 nah." Do you see that?

21 A. Yes, sir.

22 Q. Had you already spoken with Mr. Perez
23 before these recordings started?

24 A. Yes, sir. There was discussions in the
25 yard about what was going on with the Molina murder.

1 Q. So did you believe that because you were
2 in the pod next to him and you were an SNM member,
3 that Mr. Perez may speak to you about what happened
4 with the Molina murder?

5 A. Yes, sir.

6 Q. And when you first got there, did you have
7 the recording device or did you have a little bit of
8 time before you started recording?

9 A. I had a little bit of time. I think it
10 was a week, a week or so. STIU pulled me out and
11 went and acted like they were searching my cell, and
12 left the recording device underneath my pillow.

13 Q. So during that time, then, had you had
14 prior conversations with Mr. Perez?

15 A. Yes, sir.

16 Q. And had you already discussed the Molina
17 homicide with him?

18 A. Yes, sir.

19 Q. And when he says "the Molina talk down
20 there," is that referring to your discussions about
21 Javier Molina?

22 A. Yes, sir.

23 Q. Let's continue, please.

24 (Tape played.)

25 Q. What are you talking about when you're

1 talking about family business?

2 A. Well, he's saying that there was other
3 individuals in the yard like throwing family
4 business out there where people, other inmates that
5 ain't part of SNM -- that's one thing about SNM,
6 we're very secretive. And you're not allowed to
7 talk outside the family about what goes on within
8 the family. Don't matter if it's beefs,
9 disagreements, anything. Anything that has to do
10 with SNM stays within the family. You could be
11 violated or you could be murdered for talking
12 outside the family, what goes on with SNM business.

13 Q. When Mr. Perez says "business out there
14 with everyone, you know, you don't do that."

15 A. Yeah, you don't.

16 Q. And did you know Mr. Perez to be an SNM
17 member?

18 A. Yes, sir.

19 Q. Let's continue.

20 (Tape played.)

21 Q. You referenced somebody named Jess up
22 above. Do you know who that was?

23 A. Jesse Sosa.

24 Q. And who is Jesse Sosa?

25 A. Jesse Sosa is the person who Javier Molina

1 was accused of ratting on.

2 Q. And can you tell us whether Jesse Sosa was
3 an SNM member or was he somebody else?

4 A. No, he wasn't an SNM member.

5 Q. And had Jesse Sosa been to prison?

6 A. Yes, sir.

7 Q. Do you know what he was in prison for?

8 A. I don't know. I know he was real tight
9 with some of the SNM members.

10 Q. And so I don't have to stop the recording,
11 it's going to talk about fierros coming from the
12 walker. Do you remember asking Mr. Perez about
13 that?

14 A. Yes, sir.

15 Q. What are fierros?

16 A. Fierros are homemade prison shanks.

17 Q. And whose walker will you be asking about?

18 A. His walker.

19 Q. Okay. Let's continue.

20 (Tape played.)

21 Q. When you ask about the fierros from his
22 walker, his response is "no." Do you know what he's
23 responding no to?

24 A. I believe he's trying to stop me in mid
25 sentence -- no, wait a minute, let me tell you

1 what's going on. That's when he states, he thinks
2 that Trigger made a statement that the fierros came
3 from his walker.

4 Q. Who is Trigger?

5 A. Trigger is a former SNM Gang member.

6 Q. Do you know his real name?

7 A. It's Jason Wright, I believe.

8 Q. Since you were there at the time, do you
9 know if Jason Wright was in the same housing unit as
10 you guys?

11 A. I can't recall.

12 Q. Okay. Let's -- and how are you speaking
13 to Mr. Perez at this time, if your cells are next to
14 each other?

15 A. Underneath the bunk there is a heater that
16 runs underneath all our cells, through the wall.
17 And I'm talking to him in the vent of the heater.

18 Q. And depending on the facility, can you
19 communicate with people next door to you and
20 sometimes even above or below you?

21 A. Yes. The people next door to you, you
22 mostly want to communicate under the bunk so it
23 stays more private. But if you want to talk
24 upstairs, you can talk in the vent. It's the one
25 that -- it's like, how do I say it? It's the vent

1 that sucks in the air; it circulates the air in the
2 cell. So it's right above your desk, and you can
3 talk into it up there. But that's if you mostly
4 want to talk upstairs, to people above you.

5 Q. So when you asked him to speak up, why are
6 you asking him to do that?

7 A. So I could record him better.

8 Q. Let's continue, please.

9 (Tape played.)

10 Q. Now, when Mr. Perez tells you, "I don't
11 know nothing, I didn't see nothing," that's
12 basically his story, what did you understand him to
13 mean?

14 A. Well, basically, what he's telling me is,
15 I ain't going to say nothing, I'm not going to rat:
16 Hear no evil, see no evil, speak no evil. So what
17 he's telling me is that's going to be my statement,
18 and it's going to remain to be my statement.
19 "Statement" which means what was given to the
20 authorities, more likely the STIU, or whatever
21 authorities interviewed him.

22 Q. Here, it sounds like he's already told you
23 he denied to them that he knew anything about the
24 shanks from his walker.

25 A. Yeah. That's what we're supposed to do.

1 We're supposed to deny anything like that to law
2 enforcement. Even being a member of SNM, we're
3 supposed to deny it.

4 Q. Let's continue.

5 (Tape played.)

6 Q. Okay. So is that what you're referring
7 to? He's admitted to you -- and are you the only
8 person he's told about this? Is that what he's
9 telling you?

10 A. What he's saying is: You're the only
11 person that I told this to, because you don't want
12 to be bragging about murders to other brothers.
13 It's a hear no evil, see no evil policy in the SNM.

14 And for him to even say, "Yeah, the shanks
15 came from my walker," brothers can say, you know
16 what? This vato is bragging, he needs to go, he'll
17 be the next one to get hit.

18 So what he's stating is, Look, what I told
19 you, I only told you. He don't want no one else
20 knowing, you know, that he's talking about the
21 shanks coming from the walker.

22 Q. When he says here in the transcript, he
23 didn't know anything, it has an indication here that
24 you kind of laughed.

25 A. Well, what he's saying is, in other words,

1 You know -- what I'm telling you is you know, and
2 we're talking about this, but I don't know nothing.
3 In other words, "I'm not telling you this." So that
4 way other brothers won't -- you know what I mean --
5 find out that he's talking about the murder.
6 Because we're not supposed to talk about things like
7 that.

8 When things happen, they happen, and
9 that's it. We go on, we don't talk about it, we
10 don't brag about it. Because it can get brothers
11 convicted. It can -- you know, it can land up in
12 the authorities' hands, can land up -- you know,
13 wrong people hearing it.

14 Q. And even though that is kind of an
15 unwritten rule, are you aware of brothers sometimes
16 talking about things that they've done?

17 A. Yeah, they do. But it's a very tight
18 line. Because if you're bragging about what you've
19 done, you know, it's frowned on. But it's okay
20 amongst some brothers, if you're talking to them, if
21 you're real close to them.

22 But if you're implicating other brothers
23 that have done murders with you in that situation,
24 then you shouldn't be talking about that. And
25 brothers -- what we call is campaigning, politicking

1 against you. That can get you murdered. If I'm
2 sitting there saying, Oh, yeah, me and Rudy, I gave
3 the shanks to Rudy so he can hit this dude. That's
4 like, oh, wait a minute, you shouldn't be saying
5 stuff like that.

6 Now, if I'm saying, oh, I killed that vado
7 or I killed this dude, that's a little different.
8 You know, it's still frowned upon, but brothers,
9 they can't politic against you, because you're not
10 going to get no one else busted. You're going to
11 get yourself busted, you know what I mean? But you
12 still shouldn't be talking about it.

13 Q. Let's continue with the recording.

14 (Tape played.)

15 Q. So was there an indication here that other
16 people were involved with the walker and the shanks?

17 A. What he's saying is when the other two
18 that know -- he's saying the other two that know
19 that he gave the shanks to whoever asked him for
20 those shanks, those are the only ones that know.
21 Anyone else didn't need to know.

22 Q. And he's pretty sure that they're not
23 going to say anything?

24 A. Yes, he's pretty sure they're not going to
25 say nothing.

1 Q. Let's continue.

2 (Tape played.)

3 Q. What was Rudy Perez' physical condition
4 where he says, "If I can't put in work for the
5 family, I've got to do my part"?

6 A. Well, right there where he says -- back up
7 and he says, "derecho," all right; that's Spanish.
8 He's saying straight. Right. When you say
9 "derecho," that means okay, this is the way it is.
10 All right?

11 If I'm not willing to put in work, if I
12 can't put in work because of my condition, then I've
13 got to be willing to play our part. In the SNM, we
14 all have a part to play, no matter how big, how
15 small. And if you can't play that position, then
16 there could be repercussions.

17 In SNM, the motto is, once the placaso
18 touches your skin, you go to work, and you continue
19 to work and you put in work till the day you die.
20 And the placaso is the Zia with the SNM in it. And
21 that's what he means when he says, "I've got to do
22 my part," because we all have a part to play in the
23 SNM, no matter how big, no matter how small. And it
24 continues to death.

25 Q. Let me ask you this: When you were living

1 in the pod in 2014, or I should say the pod next
2 door, was -- did Rudy Perez use a walker even then?

3 A. Yes, sir.

4 Q. And did he have physical and other health
5 problems?

6 A. Yes, sir.

7 Q. Did the brothers look out for him, as far
8 as you knew?

9 A. As far as I knew, yes, sir.

10 Q. Who were some of the people who looked out
11 for him?

12 A. Ronald Sanchez, he was his caretaker. The
13 administration knew that. He would take him to
14 medical in his wheelchair and he would wheel him
15 back, because he didn't want the brother getting
16 jumped on the compound, or anything happening to the
17 brother, make sure he wanted to be safe.

18 There was other brothers, I understood,
19 that would clean his cell for him, pretty much,
20 yeah, take care of him. If he couldn't get his
21 tray, they'd bring his tray to him, stuff like that.

22 Q. Who is Ronald Sanchez?

23 A. Ronald Sanchez is -- he's not an SNM
24 member, but his brother is.

25 Q. Who is his brother?

1 A. Dan Dan Sanchez.

2 Q. And were you -- if the Molina murder
3 happened in blue pod, which pod were you in when
4 that happened?

5 A. I was in yellow pod, I was in the pod next
6 to it.

7 Q. Okay, let's continue.

8 (Tape played.)

9 Q. What does it mean that when he says,
10 "you'd be a runner dog"?

11 A. A runner is somebody that does all the
12 business for other big brothers on the line. So if
13 there is brothers that had influence, that need to
14 have things done; like, if they're in Seg, and I
15 need to send huilas, messages, in or out of Seg; if
16 I need to carry shanks and pass a shank to one part
17 of the prison, and take it to the other part of the
18 prison so a hit can go down; like if a drug deal
19 needed to go on, and it needed it to be done right
20 away, they would send me. I would be the one that
21 would be doing all the dirty business for them. I
22 would be a runner.

23 Q. So you'd be a younger, more fit, athletic
24 type of guy?

25 A. Yes. Because I'm real fast. I can get

1 things done. So in those days, when we were on the
2 line before they locked us down, that's how it was.
3 You had runners. So sometimes there would be
4 conflict, say all the brothers are having problems
5 with the C Char Boys, Here, carnal, you need to take
6 these three shanks across the compound. You would
7 have to pass through checkpoints where there is COs
8 on the compound looking out. But I'm fast. I can
9 get past them, I can manipulate them easy. And I
10 can get the shanks to where they need be, in case a
11 war jumps off, they need to stab somebody.

12 Say there was -- you need to go collect
13 this, this Vato owes \$50 or drogas, this Vato owes
14 \$100, this guy owes this or that. So I go and I do
15 all the collecting for them. Somebody did pay a
16 third to the onda today. Because we tax everybody
17 on the yard, a third that comes in of their drugs.

18 MS. JACKS: Objection, Your Honor. This
19 is a narrative.

20 THE COURT: Why don't you do a little Q
21 and A.

22 BY MR. CASTELLANO:

23 Q. Sure. What's the onda?

24 A. The onda is the SNM. It's our destiny.
25 It's what the word comes from. It's our destiny.

1 Q. And so for someone like you, you would
2 have a different job than Mr. Perez?

3 A. Yes, because I'm quick and I'm athletic
4 and I would be a runner.

5 Q. Let's return to the recording.

6 (Tape played.)

7 Q. What does it mean to be a justified move?

8 A. A justified move is when a brother breaks
9 the policies or the rules of the onda, and they need
10 to move on him. And what he's meaning, is it
11 justified, did he -- did he break the rules?

12 Because sometimes there is personal beefs. Like I
13 said, there is no true loyalty in the SNM. You
14 know, there is rules, but rules get broken all the
15 time.

16 Q. What's the significance of having
17 paperwork?

18 A. The significance of having paperwork is a
19 big deal. That's what we use to assassinate
20 informants or people that have testified against
21 other people.

22 Q. So if you have paperwork, does that help
23 keep politics out of it? You can't just say, Hey, I
24 know this brother's bad and you kill him, you later
25 find out it was just a personal beef, for example?

1 A. Yes. Paperwork, that ends all the
2 politicking right there. You have it in black and
3 white. That dude needs to go, and the black and
4 white speaks volumes.

5 Q. Let's continue.

6 (Tape played.)

7 Q. Who is JR?

8 A. JR is Jerry Montoya.

9 Q. Is it your understanding that Jerry
10 Montoya was also involved with the Molina murder?

11 A. Yes, sir.

12 Q. Did you know anything about any statements
13 he made or anything like that?

14 A. There was talk when I got out -- when I
15 got out I came back from the streets for the murder
16 case. There was talks at the north in the yard,
17 they had put us all right there at the North. And
18 there was talks in the yard and people were saying
19 this, saying that. They think this is going on.
20 And to my understanding, that's what was being said.

21 Q. Let's continue.

22 (Tape played.)

23 Q. Who is Red?

24 A. Red is Timothy Martinez.

25 Q. Was it your understanding that he was also

1 involved in the Molina murder?

2 A. Yes, he was.

3 Q. Okay. Let's continue.

4 (Tape played.)

5 Q. A few things here. Who is Kreater?

6 A. Kreater is Jerry Armenta.

7 Q. And when he says, "You did right, dog."

8 And you go, "What do you mean?"

9 Do you remember why they told him he had
10 done right?

11 A. Probably because he provided the shanks
12 that killed Javier Molina.

13 Q. Then the recording ends there. Why does
14 the recording end there?

15 A. It could have been a number of things:
16 They probably were passing out chow that day, and
17 opened my food port. I didn't want to see a CO
18 seeing me with a recorder, you know. It could have
19 been a couple of things. Maybe I needed to use the
20 restroom, things like that.

21 Q. Do you remember anything specifically,
22 though?

23 A. Anything specifically?

24 Q. Right. About why, on that occasion, it
25 stopped.

1 A. No, I can't. I can't recall.

2 Q. Okay. Let's turn next to Government's
3 Exhibit 178.

4 MR. CASTELLANO: At this time, Your Honor,
5 I move the admission of Government's 178.

6 THE COURT: Any other discussion on 178?

7 MR. VILLA: No, Your Honor.

8 MS. JACKS: No, Your Honor. We just
9 request a limiting instruction.

10 THE COURT: All right. I think
11 Government's Exhibit 178 -- let me, first of all,
12 admit it.

13 (Government Exhibit 178 admitted.)

14 THE COURT: And I think it also relates to
15 a conversation with Mr. Perez, so you can only use
16 this evidence in your deliberations as to Mr. Perez
17 and not as to the other three defendants.

18 Mr. Castellano.

19 MR. CASTELLANO: Thank you, Your Honor.

20 BY MR. CASTELLANO:

21 Q. Okay. Mr. Cordova, we're going to begin
22 with the next recording.

23 (Tape played.)

24 Q. First of all, what's going on at the
25 beginning of this conversation?

1 A. He's saying that once it came out that he
2 wasn't ratting, that the brothers didn't even give
3 him an apology. They thought he was ratting
4 because, when STIU sent certain people out of state,
5 locked certain people down, there was an individual
6 that had got caught up in the whole mess. And
7 everybody's like, Well, how could that individual
8 get caught up? You know, how did they know that
9 he's the one that asked and got the shanks from him?
10 You know. So they were like kind of thrown for a
11 loop.

12 Q. So, for example, when some people are
13 moved and other people aren't moved, that raises
14 suspicion?

15 A. Yes, it does.

16 Q. And at some point, there was suspicion
17 about Rudy Perez; is that true?

18 A. Yes, sir.

19 Q. And do you know who Bill and Jean are
20 referred to in this transcript?

21 A. Probably just a way just to kind of clown,
22 we're having conversation, like Bill and Jean, you
23 know, just saying crazy stuff.

24 Q. So when you're using those names, are you
25 referring to anybody specifically?

1 A. No, just the people that were just
2 probably talking down on him, and he didn't want to
3 voice it too much about who was talking down on him,
4 you know, so he just probably threw their words --
5 their names in it.

6 Q. Okay. Let's continue.

7 (Tape played.)

8 Q. All right. So someone is saying Rudy --
9 someone didn't think Rudy was strong enough to keep
10 his mouth shut about this. Is that Trigger, or is
11 it someone else?

12 A. I can't say, but I know there was -- you
13 know, like I said, there was talks in the yard,
14 different -- amongst different brothers that maybe
15 thought because of his conditions, his health, that
16 he wouldn't keep his mouth shut, that he might break
17 and maybe he should be hit.

18 Q. So up above you're talking -- you're
19 asking him about why people were talking. Is that
20 what you're asking, why people are talking about
21 him?

22 A. Yes, that's why I'm asking him that.

23 Q. Okay, let's continue.

24 (Tape played.)

25 Q. What does it mean to check somebody? You

1 said he checked Trigger.

2 A. It's to defend your honor. When something
3 is being said about you in the onda, or anybody, you
4 check them, you let them know, hey, what the F?
5 What's up?

6 In other words, letting them know, keep on
7 running your mouth, I'm going to do something to
8 you. So you've got to check them, you know what I
9 mean? Stop them in their tracks.

10 Q. So is Mr. Perez then telling you that he
11 defended his honor and he didn't stand for that?

12 A. Yes. He's stating to me that he defended
13 his honor, and he checked the ones that were talking
14 bad about him.

15 Q. Let's continue.

16 (Tape played.)

17 Q. So just so we understand what's going on
18 at this point in time, at the time you record this
19 conversation with Mr. Perez, was the -- what was
20 going on with the state case with the Molina murder?
21 Do you know if it was still just pending?

22 A. To be honest with you, I don't know if it
23 was pending or -- I don't know what was going on, I
24 can't recall.

25 Q. That's okay. And when it says, "When

1 everything went down and the discovery actually got
2 there," what are you guys talking about when you
3 refer to "discovery"?

4 A. Discovery are the -- it's the paperwork
5 that's involving the case, legally. And the
6 discovery, it's everything that pertains to a case
7 legally. So it's all the paperwork that authorities
8 have on you. And at that time when they got back
9 the discovery, they seen that Rudy Perez, he hadn't
10 ratted. So they said, no, you're good, bro, don't
11 even trip, don't even worry about it.

12 Q. Let me ask you this. When discovery comes
13 out and has all the police reports, does that
14 eventually get back to the gang? Have you guys
15 looked at people's paperwork?

16 A. Always. Always gets back to the gang.
17 Always.

18 Q. And so when that happens, is that why
19 paperwork is important, you figure either a guy is
20 good or he's not good with the S?

21 A. Yes.

22 Q. And he says Baby G shot me with the -- he
23 said Rudy, don't worry. It's exactly like you said.
24 Who is Baby G?

25 A. Baby G is Jonathan Gomez. And he had shot

1 word back to Perez, like -- and whoever they got the
2 discovery, maybe in the streets. Because I know
3 we'll get the discovery, like from the county
4 clerk's office. We'll call in a CR number, and
5 they'll have it ready for us sometimes. Sometimes
6 pay for it, sometimes you don't have to. And you
7 have someone go pick it up. And we'll screen it,
8 we'll go through it. And if the dude is good, he's
9 good; if not, he gets to go.

10 Q. Okay. Let's continue.

11 (Tape played.)

12 Q. What's this talk about Rudy Perez staying
13 in his cell?

14 A. I guess he was just staying in his cell. I
15 can't really tell you why. Maybe just so it would
16 look like he wasn't a part of it.

17 MR. VILLA: Objection. Speculation.

18 THE COURT: Well, why don't you lay some
19 foundation for that?

20 BY MR. CASTELLANO:

21 Q. In other words, was he telling you, I
22 don't know anything else because I just stayed in my
23 cell?

24 A. He probably stayed in his cell on purpose
25 because he knew once the metal -- if the metal was

1 found --

2 MR. VILLA: Objection, Your Honor.
3 Speculation.

4 THE COURT: Well, why don't we do this.
5 Ask him what he understands Mr. Perez to have said,
6 and just leave it at that. He can give his
7 understanding.

8 BY MR. CASTELLANO:

9 Q. What is your understanding about Mr.
10 Perez' statements about staying in his cell?

11 MR. VILLA: Your Honor, he already said "I
12 don't know, I can't say."

13 THE COURT: Ask him first if he knows what
14 Mr. Perez is talking about, did it communicate any
15 information to him.

16 A. Okay.

17 BY MR. CASTELLANO:

18 Q. So --

19 A. What I understand --

20 THE COURT: First of all, answer my
21 question: Did you understand what he was saying
22 when he made that statement?

23 THE WITNESS: Yes, I understood what he
24 was saying.

25 THE COURT: And did he communicate some

1 information to you?

2 THE WITNESS: Yes, sir.

3 THE COURT: And what information did he
4 communicate to you?

5 THE WITNESS: What the communication, what
6 I thought it was, is that he stayed in his cell so
7 that way, if the metal, the shanks were ever found,
8 they couldn't say, Hey, it came from your walker,
9 you had to be involved someway, somehow. It's an
10 escape route. That way he can say, I'm in my cell,
11 I don't know nothing, I didn't see nothing. That's
12 what I took it as.

13 BY MR. CASTELLANO:

14 Q. All right. Let's continue.

15 (Tape played.)

16 Q. Okay. Do you know who Marijuano is?

17 A. Marijuano is, I know who he is. It's just
18 going to take me a little while. That's a weird
19 name, it's like Urquizo, his last name is Urquizo or
20 something. Marijuano is, oh, man --

21 Q. We can move on. If it comes to you --

22 A. I know who Marijuano is.

23 Q. Is Marijuano an SNM Gang member?

24 A. Yes, sir.

25 Q. And in March of 2014, did Marijuano come

1 into your pod?

2 A. I know he was at the North with us. I
3 know he was at the North with us. I've seen him in
4 the yard. I would talk to him in the yard at the
5 North, so I know he was there with us. I don't know
6 if he was in the pod. But I think he was in the pod
7 next to me.

8 Q. We'll come back to him.

9 A. All right.

10 Q. What is this talk about Marijuano?

11 A. Wait a minute. Where are you asking?
12 2014, March? Oh, I thought -- I'm sorry, I thought
13 you meant 2016. Yes, he was in the same pod with
14 me. In Southern? Yes, he was in the same pod with
15 me, yellow pod. Sorry about that, sir.

16 Q. That's okay. And do you know what Rudy
17 Perez is referring to when he mentions Marijuano?
18 He says, "I'm not like Marijuano."

19 A. Marijuano was -- it was being said in the
20 yard that Marijuano was bragging or talking about
21 the paperwork on Javier Molina on the way down in
22 the transport van. And he shouldn't have been
23 talking about a mission, shouldn't have been talking
24 about a hit. And his due, he was to bring the
25 paperwork down on Javier Molina. And I guess

1 someone overheard him and Archie talking about the
2 paperwork. And they shouldn't have been doing that.

3 Because that was -- that's real sensitive
4 nature. When someone is going to get killed, the
5 only people that need to know are the people handing
6 down the hit and the people going on the mission.

7 Q. So Mr. Perez is basically saying I'm not
8 going to have a big mouth like the other guys
9 talking?

10 A. Yes. In other words, you won't catch him
11 bragging in the yard that the shanks came from his
12 walker because he ain't like Marijuano.

13 Q. Okay. Let's continue.

14 (Tape played.)

15 Q. He calls somebody Shadow here. Who is
16 Shadow?

17 A. The other Shadow in the SNM organization
18 is Roy Martinez.

19 Q. And what are you called?

20 A. I'm called Little Shadow.

21 Q. And is this where you're talking about
22 earlier with people running their mouths?

23 A. Yes.

24 Q. Was there a concern about that?

25 A. Yes, there was concern about that.

1 Q. Let's continue.

2 (Tape played.)

3 Q. Can you tell what he said there, where
4 it's unintelligible in the transcript, "you and me
5 catch" --

6 A. It says "You and me catch the carena."
7 Carena is what we call in prison, it's a Spanish
8 word like chain, the carena. The chain is the
9 transport. So that's what he's talking about, if me
10 and you catch transport today.

11 Q. Okay. Let's continue.

12 (Tape played.)

13 Q. I got the what?

14 A. The mensaje. That means the word, the
15 message that was supposed to be brought down. He's
16 talking about the paperwork that was given to
17 Marijuano to bring down to Southern, and during, on
18 the chain, on the transport, he was talking about it
19 to another SNM member, Archie. He should have never
20 been doing that, because Archie should have never
21 known about the paperwork.

22 Q. Okay. Let's continue.

23 (Tape played.)

24 Q. So by midnight, these people already knew
25 who took the, is it mensaje again?

1 A. Yes, the message. The paperwork to hit
2 Javier Molina.

3 Q. And two names are mentioned here:
4 Marijuano and Archie.

5 A. Yes, Marijuano and Archie, those are the
6 only two that knew at that time of the message going
7 down there to hit Javier Molina.

8 Q. What's the distinction here? There is
9 Marijuano, and then Archie is in the fed?

10 A. Well, what he's saying, because Archie got
11 rounded up on the RICO. So at this time he's
12 saying, you know, the other one's in the feds, which
13 is Archie. And the other one is still here in 2A.
14 2A, I believe at that time -- I don't recall if 2A
15 was at the South or 2A at the North, but I believe
16 it was 2A at the South.

17 Q. So at this point in time had Archie Varela
18 been charged and Marijuano not been charged?

19 A. I believe so.

20 Q. And the time you're having this discussion
21 with Rudy Perez, is this after the first roundup in
22 December, where a bunch of members were rounded up?

23 A. Yes, sir.

24 Q. At the point you have this discussion with
25 Mr. Perez, had he been charged in this case yet?

1 A. Who, Mr. Perez?

2 Q. Yes.

3 A. No, he hasn't been charged yet.

4 Q. Okay. Let's continue.

5 (Tape played.)

6 Q. Who is Spider?

7 A. Spider is another SNM, member of SNM
8 organization.

9 Q. Do you know his name?

10 A. David Calbert.

11 Q. What are you saying, when you say "right,
12 because he picked up the mensaje from Spider"?

13 A. Yes. From what I heard, he was one of
14 them that picked up the mensaje from Spider and took
15 it down there.

16 Q. Let's continue.

17 (Tape played.)

18 Q. Do you know what Mr. Perez is referring to
19 when he says that the first time and then a second
20 time? Somebody shot a kite down here, this is the
21 first situation. And then he refers to the second
22 time.

23 A. Right, he's saying --

24 Q. If you know.

25 A. Yeah, to my understanding, yes.

1 Q. And did you know if Mr. Perez was pending
2 investigation by STIU or the corrections system?

3 A. Yes, I knew that.

4 Q. Let's continue.

5 (Tape played.)

6 Q. Do you know what this discussion is about,
7 filing grievances and what's going on here?

8 A. Yeah, they're trying to get Rudy Perez
9 back down to Cruces.

10 Q. So is Cruces a lower level facility than
11 Level 6?

12 A. Yes, it's our Level 4, it's our unit that
13 we come out with each other. But it's only SNM Gang
14 members down there.

15 Q. So it sounds like he's complaining about
16 being locked down as long as he was; is that
17 correct?

18 A. Yes. And there was other brothers helping
19 him. That's what we do for each other. We'll file
20 petitions. And we'll file with the administration
21 to get us out. We'll go as far as filing habeases
22 into the court system to get brothers out of lockup,
23 back into general population with us.

24 Q. Was it indicated in here also that Blue
25 helped him with his grievance?

1 A. Yes.

2 Q. Who is Blue?

3 A. Blue is -- he's another SNM Gang member
4 from Silver City; Mario -- Mario Rodriguez, or
5 something like that, I think it is. I know it's
6 Mario. And he helped him. Yeah, he helped him file
7 a grievance so he can get out and come back with the
8 brothers down here at Southern.

9 Q. Do you know who the person Wendy is here
10 that's being talked about?

11 A. Wendy was the unit manager.

12 Q. And so would she then be involved in this
13 process if you're moving people back and forth?

14 A. Yes, she would be a major player, because
15 it goes through your caseworker first. They suggest
16 it, then it goes through your unit manager. Then
17 the unit manager does the paperwork through CBC to
18 send you wherever you're going to go classified.

19 Q. Let's continue.

20 (Tape played.)

21 Q. What is PTH?

22 A. PTH is pending transfer to another
23 facility.

24 Q. So at some point is he telling you that a
25 determination had been made to send him back from

1 Santa Fe to Las Cruces?

2 A. Yes, sir.

3 Q. Let's continue, please.

4 (Tape played.)

5 Q. What's the significance of saying he's
6 never disrespected the onda?

7 A. That means he's never broken no rules,
8 he's never went against the family, he's never
9 dropped a flag. It means he's always represented to
10 the fullest.

11 Q. And up above, we see it throughout the
12 transcripts, when someone says ya, si mon, what does
13 that mean?

14 A. Si mon, just like saying all right, yeah.

15 Q. Let's continue.

16 (Tape played.)

17 Q. You asked him if one of the people was BB.
18 Who is BB?

19 A. BB is Javier Rubio. He was a former SNM.
20 He's part of the SNM organization. He was a member
21 also.

22 Q. And do you know who Little Cruces is?

23 A. Yes. It will be hard to say him by name.
24 But yes, I know who Little Cruces is. He's another
25 member of the SNM organization.

1 Q. And do you know what Mr. Perez' beef was
2 with him? He said he didn't even want to --

3 A. I guess he was probably running his mouth,
4 saying, oh, why -- just back to all these guys got
5 shipped out of state, this guy got locked down, how
6 come. You know, it's probably just insinuating that
7 Rudy ain't strong enough to keep his mouth shut.
8 And maybe Rudy needs to go, and might have been
9 campaigning or politicking against him. That's
10 sometimes how it turns out.

11 Q. Let's continue.

12 (Tape played.)

13 Q. What is Mr. Perez telling you here when
14 he's talking about Crocodile and BB?

15 A. Well, because BB and Crocodile broke the
16 rules. There was paperwork sent down there the
17 first time, and Javier wasn't handling it. So they
18 were going to be next to get hit, because it should
19 have got handled the first time.

20 Q. Is that what he's referring to? It was
21 never done the first -- the paperwork got sent down
22 there.

23 A. Yes.

24 Q. So is it your understanding that he's
25 telling you the paperwork was already there and

1 Molina didn't get handled?

2 A. Yes. The paperwork was down there. And
3 to my understanding, the paperwork disappeared also.
4 It will come up again.

5 Q. And do you know who Crocodile is?

6 A. Yes, Jesse Sedillo.

7 Q. And can you tell the members of the jury
8 whether BB and Crocodile were down in Las Cruces
9 when you were there in 2014?

10 A. Yes, they were down there. And they were
11 given leadership in a pod. They were llaveros. The
12 llaveros are in charge of knowing who has put in
13 work, who has their bones, who was a certified
14 carnal, if there is any paperwork on them; to make
15 sure things get done, make sure that rules are kept
16 and not broken. Basically, they're in charge of
17 that tier.

18 Q. So is that a leadership position?

19 A. Yes, it's part of the tabla.

20 Q. And down below, there is talk about "vato
21 was in green park for a minute." Do you know what
22 pod they were in?

23 A. I think that's "pod." I think it's "green
24 pod." Yeah, BB and Croc, they were in green pod.

25 Q. And where was green pod in relation to

1 yellow pod?

2 A. It's on the other side of yellow pod.
3 Like blue pod is in the middle, and green pod is on
4 one side and blue pod is on the other side. They
5 are three-pod units.

6 Q. Let's continue.

7 (Tape played.)

8 Q. What does it mean to get put on the
9 payment plan?

10 A. Means you're getting extorted by other
11 brothers. He was -- to our understanding, that's
12 what happened, is Javier Molina at the time --

13 MS. DUNCAN: Your Honor, I'm going to
14 object. This is calling for hearsay.

15 THE COURT: What are you trying to prove
16 with this?

17 MR. CASTELLANO: His explanation for the
18 term.

19 THE COURT: Are you trying to elicit this
20 out-of-court statement?

21 MR. CASTELLANO: Yes, Your Honor. It's
22 his understanding of what the payment plan refers
23 to.

24 THE COURT: Well, see if he can give his
25 understanding without maybe giving all the

1 information received from others.

2 BY MR. CASTELLANO:

3 Q. Without saying what other people told you,
4 just what is your understanding of getting put on
5 the payment plan?

6 A. Well, I knew, I was down there. I seen
7 Javier Molina. Every time he would go to the visit,
8 he would hit his drugs. He would come back and
9 there was two individuals that would go and get
10 drugs from him. So he was paying his way, so that
11 way the paperwork wouldn't come out and get him hit.

12 Sometimes, like I said, rules are broken,
13 they're not always followed. But they were in
14 leadership. No one was going to question their
15 leadership at that time. And they thought maybe
16 they can keep it under wraps, quiet, until they came
17 out and they were extorting him for drugs.

18 Q. In a second here you're going to talk
19 about a second time when Spider and Archie pushed
20 the issue. What's the issue that's getting pushed?

21 A. Spider was up at the North and he was
22 sending word down to Cruces, why hasn't this already
23 happened. There is paperwork on this guy, this guy
24 needs to get hit. It's making us look bad.

25 Q. Let's continue then.

1 (Tape played.)

2 Q. Do you know what he's referring to when he
3 said, "until the black and white's reproduced nobody
4 can move on it"?

5 A. Yes, that's paperwork. And black and
6 white, it's paperwork. It's a statement you give in
7 the discovery, comes out in the discovery if you've
8 ratted on somebody. And that's what happens when
9 he's talking about there is black and white.
10 Sometimes there will be people that will say: Be
11 careful with this guy, because they know he's a rat,
12 but they don't got the paperwork yet.

13 And see sometimes when they say be careful
14 with them, it might be sensitive information that
15 don't want to be said around certain individuals.
16 Because if that guy is a suspected rat, they don't
17 want administration or other law enforcement getting
18 ahold of that information.

19 So that's probably -- that's what it means
20 when -- if it's black and white, it's for sure. And
21 what he's saying is when something is being said
22 about somebody that's like that, they keep it in the
23 back of their mind on reserve. That way, they're
24 real cautious around that individual. They know how
25 to step around him. That way, they don't slip up

1 and say something and then it comes back to haunt
2 them.

3 Because if they do slip up and say
4 information and a rat gets ahold of it, a rat, they
5 can be subject for a hit, too. They can get done in
6 just like the rat. Why? Because they were sloppy.
7 They didn't keep their mouth shut.

8 MS. DUNCAN: Your Honor, I object to the
9 narrative.

10 THE COURT: Why don't we do some more
11 questions and answers.

12 MR. CASTELLANO: Sure, Your Honor.

13 BY MR. CASTELLANO:

14 Q. In other words, if there's suspicion about
15 somebody, you're still going to be careful about
16 him, right?

17 A. Yes, sir.

18 Q. Because if you say something sensitive
19 around them and they end up being a rat, that could
20 come back to haunt you?

21 A. Yes, because you knew he was a rat and you
22 weren't careful.

23 Q. Let's continue.

24 (Tape played.)

25 Q. Jesse Sosa is who?

1 A. At that time Jesse Sosa -- no, he's not a
2 member. I think we mixed him up. I think he don't
3 know what Croc's name is and we were talking about
4 Crocodile. So I think he's referring to Jesse
5 Sedillo.

6 Q. And if it is Jesse Sosa, is that the
7 person that Mr. Molina --

8 A. Yes, Jesse -- Javier Molina had ratted on
9 him, and there was paperwork on him for that.

10 Q. So at this point you're not sure, he could
11 have been --

12 A. Could have been anyone, but I'm pretty
13 sure, because the way the conversation was going, it
14 was Crocodile, but probably didn't know his last
15 name, just knew him by Jesse. And they're both
16 Jesses.

17 Q. Okay. Let's continue.

18 (Tape played.)

19 Q. Mr. Perez refers to getting validated.
20 And once that happens, no movement, you get done
21 dirty, what does it mean to get validated?

22 A. Validated is when the STIU, the gang unit
23 validates you that you're an SNM Gang member. Once
24 that happens, you're limited only to a Level 4
25 restriction housing unit with only SNM members.

1 And when we recruit new members into the
2 SNM, we tell them, deny SNM to all law enforcement
3 and try to get to lower levels. That way we can
4 take control of the lines, and we can run things
5 indirectly from lockup to Level 4s.

6 Q. So once you're validated, you're going to
7 be limited to where you can go?

8 A. Yes. You're going only to be limited
9 around brothers. And it's really not good, because
10 it limits our resources in the SNM organization.

11 Q. Were you eventually validated?

12 A. Yes, I was eventually validated.

13 Q. Do you remember when that was?

14 A. I'm pretty sure it was in 2009.

15 Q. So you were an SNM member for a number of
16 years before you were actually validated by the
17 corrections system?

18 A. Yes. Because I knew how to my mouth shut.
19 And I would never talk to STIU. I would be real
20 careful who I let know who I was an SNM member and
21 who needed to know. That way I could do what needed
22 to be done for the organization on the lines.

23 Q. Let's continue with the recording.

24 (Tape played.)

25 Q. Do you know who Mr. Perez is speaking to

1 when he refers to his lady and Baby G's ladies are
2 roommates?

3 A. I can't recall. The only person that I
4 knew that girlfriends were real tight with Baby G
5 was only a handful of people. And to be honest with
6 you, I can't really say.

7 Q. Okay. And Mr. Perez mentioned someone
8 named Ace. Who is that?

9 A. Ace is another member of the SNM
10 organization.

11 Q. And in a second he's going to mention
12 somebody named Earn Dog?

13 A. Yes, he's another SNM member, Ernest
14 Guerrero.

15 Q. Let's continue.

16 (Tape played.)

17 Q. There is mention here about somebody named
18 Shotgun. Do you know who that is?

19 A. I believe -- I don't know if his last name
20 is Ortega, it might be Ortega. But it's Eddie,
21 Eddie Shotgun, he's another SNM, member of the SNM
22 organization that's in the federal prison system.
23 So an influential member in the federal prison
24 system.

25 MR. CASTELLANO: At this time, I'm going

1 to move the admission of Government's Exhibit 180,
2 Your Honor. This is a recording between Rudy Perez
3 and Mr. Cordova.

4 THE COURT: Is there any other discussion
5 on 180?

6 MR. VILLA: No, Your Honor.

7 THE COURT: All right. Government's
8 Exhibit 180 will be admitted into evidence.

9 (Government Exhibit 180 admitted.)

10 MS. JACKS: And, Your Honor, again we'd
11 request limiting instructions.

12 THE COURT: And as Mr. Castellano
13 indicated, this telephone conversation or
14 conversation -- recorded conversation between --
15 with Mr. Perez so you can only consider it, this
16 evidence, in your discussions and deliberations as
17 to the charges against Mr. Perez and not as to the
18 other three gentlemen.

19 Mr. Castellano.

20 MR. CASTELLANO: Thank you, Your Honor.

21 BY MR. CASTELLANO:

22 Q. Let's begin with the recording.

23 (Tape played.)

24 Q. So this is another mention of the payment
25 plan. And you actually used the word extorting this

1 time.

2 A. Yes.

3 Q. What are you referring to?

4 A. That was going on every time -- he says
5 every time something would go down, what he's
6 talking about is every time you go to a visit and
7 come back, those two guys, BB and Croc, were at the
8 door getting an issue from him so they were
9 extorting him for drugs.

10 Q. Let's continue.

11 (Tape played.)

12 Q. All right. So the paperwork is there
13 possibly a year before?

14 A. Yes.

15 Q. And Mr. Perez says we're not going to show
16 it, so just make sure you show some love.

17 A. Yes. Well -- yes.

18 Q. What is that exchange, what for what?

19 A. Meaning we're not going to bring out your
20 dirty laundry as long as you keep on paying us
21 whatever we ask you of.

22 Q. Let's continue.

23 (Tape played.)

24 Q. What does it mean to be chaffa?

25 A. It means -- to be chaffa means you

1 ain't -- excuse my language -- but you ain't worth
2 an F. It's what it means. In other words, you're a
3 rat, you're a punk, you're PC, you're the worst of
4 the worst of the convicts.

5 Q. Let's continue.

6 (Tape played.)

7 Q. Do you know what he's referring to when he
8 said it was so sloppy?

9 A. Yes. Because usually it's not sloppy like
10 that within the SNM.

11 Q. What is sloppy in this case?

12 A. Sloppy is they stabbed him, for one, when
13 they could have strangled him. And it's happened
14 before. They strangle them, they'll tuck them into
15 their bed and won't find him for hours later,
16 sometimes days later. Sloppy, he's talking about
17 they let him out of the room, for one. They should
18 have never left him out of the room.

19 For two --

20 Q. Who is he referring to?

21 A. He's referring to the guys that murdered
22 Javier Molina. And he's referring to them and that
23 it was done sloppy. It was a suicide mission. So
24 in other words, they were going to get caught.

25 Q. And do you know why SNM members might get

1 sent on a suicide mission?

2 A. It could be for a number of things.
3 Sometimes we clean up what we call trash. With
4 trash, we'll have dirt on some people, we know they
5 have paperwork on them. They messed up somewhere
6 around the lines. And we'll send a rat to kill a
7 rat. And then after that, we'll kill a rat. So
8 it's --

9 Q. Let me ask you this: Were you aware of
10 any issues with either Jerry Armenta or Jerry
11 Montoya?

12 A. Yes, sir.

13 Q. First of all, Jerry Armenta, what was the
14 concern about him?

15 A. The concern about him is that he had
16 picked up what we call a chaffa charge. It was a
17 sex charge, a sex assault charge. But he pled it
18 down to distributing to the delinquency of a minor.
19 Still, with that, distributing (sic) to the
20 delinquency to a minor, that was still was a bad
21 thing. So there was talks about him being chaffa.

22 Q. Would that be a good reason to send
23 someone like him on a mission?

24 A. A suicide mission, yes.

25 Q. What about Jerry Montoya?

1 A. Jerry Montoya, there was talks about --
2 there was paperwork on him from, I think, 2000,
3 1999, when he came to prison on his first murder.
4 And that's what the talks were about him.

5 Q. Here, Mr. Perez does not want to say
6 names, "somebody said them vatos," but he's not
7 telling you the names. Is that kind of part of the
8 rules?

9 A. Yes, it's part of the rules. You're not
10 supposed to talk bad about brothers. It happens,
11 like I said. You're not supposed to brag about
12 things, especially not supposed to be talking about
13 things like that we were discussing. That was a
14 no-no, he should have been never doing that. But he
15 did it anyways because he trusted me.

16 Q. I'm going to next play a short segment
17 here and then I'll have some more questions for you.

18 (Tape played.)

19 Q. Okay. What does it mean to be less than
20 one year to the house?

21 A. It means you're going home, you're going
22 home within a year.

23 Q. Have you ever heard the term short to the
24 door?

25 A. Yes.

1 Q. Is that something that's similar?

2 A. Yes.

3 Q. And so what is Mr. Perez telling you about
4 one vato being 47 days to the house?

5 A. Basically what he's explaining to me is
6 that there was something more to the hit than what
7 should have been, because good brothers would never
8 be sent on a suicide mission like that.

9 If you're going home, the SNM wants to
10 further their agendas, murder on the streets,
11 because now we're getting locked down. So, in other
12 words, those brothers weren't worthy of going out
13 there, and they weren't trusted to go out there and
14 further the organization of the SNM. So they
15 thought they shouldn't have went home. They should
16 have done more time, I guess.

17 Q. Do you know who was about 47 days to the
18 house?

19 A. Yes, it was Jerry Armenta.

20 Q. And then a reference to one other dude
21 being less than a year to the house.

22 A. To my understanding, that was Red or Jerry
23 Montoya.

24 Q. And the next statement is, Red was only
25 two years to the house.

1 A. Yeah, Red was two years to the house then.
2 I think it was Jerry Montoya, I think that was a
3 year to the house.

4 Q. Who is Red?

5 A. Red is Timothy Martinez.

6 Q. And Blue was just a couple of years to the
7 house. Who is Blue?

8 A. Blue is -- I don't know if it's Rodriguez,
9 but I'm pretty sure it's Mario Rodriguez, to my
10 understanding.

11 Q. And then Mr. Perez asked the question,
12 "Why not send the vatos that are doing vida, homes?"
13 What does that mean?

14 A. In other words: Why don't you send vatos
15 that are doing what we call "all day." All day
16 means you're doing a life sentence. A vida is a
17 life sentence in prison.

18 Q. So if you're sending somebody who is doing
19 life, there really aren't any consequences for them,
20 I take it?

21 A. No, there is not.

22 Q. Okay. Let's continue.

23 (Tape played.)

24 Q. When Mr. Perez tells you, he's nobody, is
25 he just a soldier?

1 A. Yes, he's just a soldier, like I was.

2 Q. All right. So does he get to make those
3 decisions about who gets killed like that?

4 A. No.

5 Q. As a soldier, is he supposed to do what
6 he's told?

7 A. Yes.

8 Q. Let's continue.

9 (Tape played.)

10 Q. Do you know what the messages are he's
11 referring to?

12 A. Yes. At that time there was word talking
13 about they were going to -- supposed to let SNM back
14 on the lines, but they were going to start locking
15 up shot callers. At that point what we believe is
16 that administration had received confidential
17 information on Pup, Anthony Baca, and they were
18 locking him up.

19 MS. DUNCAN: Your Honor, I'm going to
20 object to this. This is hearsay, and I ask that the
21 answer be stricken.

22 THE COURT: Are you trying to elicit this
23 out-of-court statement?

24 MR. CASTELLANO: Yes, Your Honor. His
25 understanding of what Mr. Perez is saying about one

1 message and leaving a couple out there on the table.

2 THE COURT: Well, I think we've got an
3 agreement as to how we're doing these tapes. So as
4 far as this conversation, Mr. Baca, I'll sustain the
5 objection.

6 MR. CASTELLANO: That's fine.

7 BY MR. CASTELLANO:

8 Q. Let's continue with the recording.

9 (Tape played.)

10 Q. Just so there's no confusion, there is
11 reference where he says, "When Shadow and them are
12 around," is that you or the other Shadow?

13 A. That's the other Shadow.

14 Q. Okay. Let's continue.

15 (Tape played.)

16 Q. Did Mr. Perez give you his PIN number?

17 A. Yes, so I can make phone calls.

18 Q. So is he telling you that was a sign of
19 trust when he gave that you information?

20 A. Yes. What people don't take in the
21 streets as respect we take in prison very seriously,
22 very seriously. Giving a PIN number like that,
23 that's a big sign of trust and respect. Because at
24 that time we were allowed four phone calls a month
25 because of our status. And to let me use one was a

1 big sign of saying all right, I trust you.

2 Q. Let's continue.

3 (Tape played.)

4 Q. What are you communicating to him when
5 you're saying, "I want to know what's up on the
6 games"?

7 A. Because I want to know what's going on in
8 the politic arena. That way I don't end up on the
9 bad side or the wrong side of the politics. And
10 myself end up in the hat, is what we call it. You
11 get a ticket, means you're on the list to get
12 murdered.

13 Q. Let's continue.

14 (Tape played.)

15 Q. Now, he said there are several other
16 issues about you and me talked. What did you talk
17 about?

18 A. If I can -- all right. The issues are
19 about why that was done, the Javier murder. The
20 issues -- there was a few issues out there.

21 For one, a message to the administration
22 that if certain people weren't down there to stop
23 certain things happening, this is what was going
24 happen. Murders like this were going to occur.

25 Another one was that the guys sent on a

1 mission were to be smutted up on purpose. One of
2 them wasn't in good standing in politics with a high
3 ranking member in the SNM, and a couple other ones
4 were because of chaffa charges and paperwork.

5 Q. And Mr. Perez actually communicated to you
6 that he didn't hear one of the messages that you
7 were talking about.

8 A. Yes. And one of the messages was that --

9 MS. DUNCAN: Your Honor, I'm going to
10 object. This is hearsay.

11 THE COURT: Well, I think it's just as to
12 Mr. Perez.

13 MR. CASTELLANO: And, actually, I'm
14 referring --

15 MS. DUNCAN: Could I ask the Court to
16 remind the jury of that limiting instruction.

17 THE COURT: Well, let me take care of your
18 objection first.

19 MR. CASTELLANO: What I'm referring to,
20 Your Honor, is the evidence that's already come in
21 here up above where he says was that mission was
22 supposed to send a message to the administration
23 because they were starting that program. And I'm
24 asking him whether or not Mr. Perez heard that.
25 That's it.

1 THE COURT: And I think I'll overrule the
2 objection.

3 All right. Again, these are just
4 conversations with Mr. Perez, so you can only use
5 this testimony and evidence as it relates to your
6 discussions and deliberations as to Mr. Perez and
7 not any other defendant.

8 Why don't we take our second morning
9 break. I think it's a little early for lunch, so
10 why don't we take our break and take a late lunch.

11 All right. We'll be in recess for about
12 15 minutes. All rise.

13 (The jury left the courtroom.)

14 THE COURT: All right. We'll be in recess
15 for about 15 minutes.

16 (The Court stood in recess.)

17 (The jury entered the courtroom.)

18 THE COURT: All right. Everyone be
19 seated.

20 All right. Mr. Cordova, I'll remind you
21 that you're still under oath.

22 Mr. Castellano, if you wish to continue
23 your direct examination of Mr. Cordova, you may do
24 so at this time.

25 MR. CASTELLANO: Thank you, Your Honor.

1 THE COURT: Mr. Castellano.

2 BY MR. CASTELLANO:

3 Q. Mr. Cordova, let's start where we left off
4 here on Exhibit 180. I just wanted to make sure you
5 and Mr. Perez had spoken about a few issues, but
6 then when you raised the issue about the
7 administration, he told you that he actually hadn't
8 heard that message; is that correct?

9 A. Just the part that -- about the program.

10 Q. Okay.

11 A. It was the part about him starting an RPP
12 Program for drop-out gang members. And what that
13 would do to us is take us -- a little bit of power
14 away from us.

15 Q. Why would that be?

16 A. Because our own people could only go to
17 general population with us, and they could only be
18 around us. So we felt we were losing a stronghold
19 of that, that someone can slip up and break the
20 rules and then run away from us. And we felt better
21 control when we can be all together. That way if
22 anybody messed up within the family, they're going
23 to answer for their discretions against the onda.

24 And that's why we felt, what we said, that
25 program is a bad thing, because now brothers, if

1 they feel that the confinement of being a gang
2 member is too harsh for them, they can just say you
3 know what? I don't want to be a gang member no more
4 and walk away and go to a line. And some people
5 will do that and some people won't, but we didn't
6 like it.

7 Q. What does that mean, to go to the line?

8 A. Go to the line is to get general
9 population privileges like regular inmates.

10 Q. You had mentioned earlier, so if you get
11 validated as an SNM Gang member, the best you could
12 do is Level 4?

13 A. Yes, sir.

14 Q. So if you go back to the line, can you do
15 better than Level 4 and possibly get better living
16 conditions?

17 A. Yes, sir.

18 Q. Let's continue with this recording.

19 (Tape played.)

20 Q. Okay. There are a few things here. The
21 first is this discussion about addiction clouding
22 people's minds. Was there ever a concern or
23 criticism of leaders because of drug use and making
24 bad decisions?

25 A. Yes, sir.

1 Q. And who is Arturo?

2 A. Arturo is Arturo Garcia, Chopper, SNM
3 member of the organization.

4 Q. And when Mr. Perez says, "I'm going to get
5 off this floor a little bit, Brother," why would he
6 be on the floor?

7 A. Because we were underneath the bunk
8 talking through the vents of the heater.

9 Q. I'm going to turn your attention to
10 Government's Exhibit 182.

11 MR. CASTELLANO: And, Your Honor, this is
12 a transcript between Mr. Perez and Mr. Cordova. And
13 at this time I move the admission of Government's
14 Exhibit 182.

15 THE COURT: All right. Any other
16 discussion on 182?

17 MS. JACKS: No, Your Honor. But we would
18 request a limiting instruction.

19 THE COURT: All right. Government's
20 Exhibit 182 will be admitted into evidence.

21 (Government Exhibit 182 admitted.)

22 THE COURT: And, again, this is a
23 conversation or evidence that you can only consider
24 and use in your deliberations against Mr. Perez and
25 not against any of the other defendants.

1 BY MR. CASTELLANO:

2 Q. Okay. Let's begin with the recording.

3 (Tape played.)

4 Q. Do you know who the two who were charged
5 and the two who weren't charged?

6 A. Yes, sir.

7 Q. Who were the two that were charged?

8 A. The two that were charged were Jerry
9 Armenta and Jerry Montoya.

10 Q. And who were the two who weren't charged?

11 A. Timothy Martinez and Mario Rodriguez.

12 Q. Did you know if Mario Rodriguez had been
13 charged with any crimes from the Molina incident?

14 A. No one knew at that time. I didn't know.

15 Q. Well, do you know whether or not he was
16 charged with the murder initially?

17 A. I knew he was charged with RICO, and it
18 could have been leading to acts of that murder.

19 Q. What about when it was a state case?

20 A. When it was a state case, I believe I
21 guess he wasn't charged.

22 Q. That's your understanding?

23 A. Yes, sir.

24 Q. Okay. Let's continue.

25 (Tape played.)

1 Q. Do you know what he said? It looks like
2 Karon, K-A-R-O-N, on the transcript. Did you catch
3 that word that he said that?

4 A. It's Colorado. It could have been a code
5 word that he knew about some other brother, and
6 we're just --

7 Q. Did you know what he meant when he said
8 that word? Was it just someone else who told him
9 something?

10 A. Yes, it was another brother that told him
11 something, probably just didn't want to -- make sure
12 he wanted to say the right name or --

13 Q. Let's continue.

14 (Tape played.)

15 Q. Okay. Is this the same Kreaper who is
16 Jerry Armenta?

17 A. Yes, sir.

18 Q. And is JR Jerry Montoya?

19 A. Yes, sir.

20 Q. And at this point, is there talk then by
21 Mr. Perez about having seen paperwork related to
22 them?

23 A. Yes, sir. They're talking about it.

24 Q. And was that uncommon to get, once again,
25 paperwork from some case or investigation?

1 A. It's the Javier Molina murder.

2 Q. And let's continue.

3 (Tape played.)

4 Q. What does it mean when he says he kind of
5 threw rollo at Red?

6 A. He threw rollo at Red means was talking
7 with Red. Rollo is just talking.

8 Q. Let's continue.

9 (Tape played.)

10 Q. What were you talking about there? You
11 said, "that's why I'm telling you, that's what I'm
12 talking to you about."

13 A. Because Baby G was real close with a
14 certain individual that was a high ranking SNM
15 member at the time.

16 Q. Who was he close to?

17 A. Anthony Ray Baca, Pup.

18 Q. And when it talks about dropping the
19 charges in Cruces, were you aware that the state
20 charges were dropped when the federal charges came
21 about?

22 A. That's what they were saying. No one
23 really knew that there was a fed case coming. We
24 didn't know we were getting RICO'd. And at that
25 time, the state charges had been dropped, and people

1 were kind of like, hmm, what's going on there?

2 Q. Let's move to the next recording. It's
3 Exhibit 184 involving Mr. Perez and Mr. Cordova.

4 MR. CASTELLANO: So at this time, Your
5 Honor, I'd move the admission of Government's
6 Exhibit 184.

7 THE COURT: Any other discussion on that?

8 MR. VILLA: No, Your Honor.

9 THE COURT: All right. Government's
10 Exhibit 184 will be admitted into evidence.

11 (Government Exhibit 184 admitted.)

12 MS. JACKS: And, Your Honor, again we
13 would request a limiting instruction.

14 THE COURT: All right. Mr. Castellano has
15 indicated this is just a conversation, another
16 record conversation with Mr. Perez. So you cannot
17 use this discussion as evidence against any of the
18 other gentlemen, you can only use it in your
19 discussion of the charges against Mr. Perez.

20 BY MR. CASTELLANO:

21 Q. Okay. Let's begin.

22 (Tape played.)

23 Q. All right. So if they go to court and
24 testify against them, they are going to get them,
25 you know what I mean?

1 A. Yes.

2 Q. What does that mean?

3 A. That means that they were going to try to
4 move on them in the courtroom. Either that, or that
5 the federal government was going to convict them.
6 So it was probably two things there, you know what I
7 mean?

8 Q. So if these individuals go to court, what
9 do the rules of the SNM require should happen to
10 them?

11 A. They should get murdered.

12 Q. Okay. Let's continue.

13 (Tape played.)

14 Q. Okay. What is Mr. Perez telling you here
15 about some other case?

16 A. He's telling me about another case that
17 happened, I guess a similar case where some
18 individuals had flipped and decided to testify for
19 the federal government. And they gave, I guess, his
20 cousin and some other guys 20 years in federal
21 prison for what -- for their testimony.

22 Q. When he says, "If we could have found that
23 puta, Michael Ray, that testified against him, my
24 primos would have never done a day, Dog."

25 A. Yes. In other words, what he's stating

1 there is that if they could have found him and
2 murdered him before he got a chance to testify, they
3 would have never gotten a day. And basically more
4 or less that's what we're talking about, is those
5 three individuals, if they can get a chance during a
6 court hearing or court, and get them, to murder
7 them, that way, they couldn't testify against the
8 onda.

9 Because to our understanding is we don't
10 want a RICO Act. We don't want the federal
11 government interfering with our business because it
12 makes harder than what we already have it. And we
13 didn't want the FBI coming in and breaking up what
14 we were trying to put together.

15 Q. Let's continue with the recording.

16 (Tape played.)

17 Q. Once again, there is a reference here to
18 Jesse Sosa. Who is he?

19 A. That's the individual we were talking
20 about before, that Javier Molina had ratted on or
21 given up information to authorities about, about a
22 robbery.

23 Q. Is Mr. Perez telling you that he actually
24 didn't see the paperwork but that he'd heard about
25 it?

1 A. Yes, after the fact. After, I guess, the
2 guy was murdered, that's when it all came out that
3 the guy needed to get murdered because he was a rat.

4 Q. Let's continue.

5 (Tape played.)

6 Q. Is this the same Croc you referred to
7 earlier, who was in the same pod with BB?

8 A. Yes, sir. That's Crocodile, Jesse
9 Sedillo.

10 Q. That wasn't taken care of the year before?

11 A. Yes.

12 Q. Let's continue.

13 (Tape played.)

14 Q. You said that had something to do with
15 that viaje?

16 A. Yeah. He was thinking it had something to
17 do with it. Somehow Javier, whether a message was
18 passed because Archie's boy was assassinated by
19 another SNM Gang member in the streets.

20 Q. Who is Archie?

21 A. Archie is Mauricio. I really don't know
22 his last name. Mauricio --

23 Q. That's okay. You know his first name is
24 Mauricio?

25 A. Yes, sir.

1 Q. What does it mean when he says something
2 to do with that viaje? What's a viaje?

3 A. A viaje, it's like something to do with
4 that stuff. Viaje could be that stuff or -- it's --
5 viaje is something. Basically viaje is something,
6 Spanish for something. So when he's saying that
7 viaje, he's saying whatever occurred with Archie's
8 son, because Archie's son had been assassinated in
9 the streets, had been shot to death by another SNM
10 Gang member.

11 Q. Let's continue.

12 (Tape played.)

13 Q. "Yes, you know how I would have done it."
14 You said, "How would you have done it?"
15 And he said, "I'd give him a" --

16 A. "A doble."

17 Q. "A doble."

18 A. A doble is an overdose, it's a hotshot.
19 Because the vato used a lot of drugs, so they
20 figured just give him a hotshot.

21 Basically that's where SNM's stillo is.
22 We try to do things as much as clean as possible, so
23 that way law enforcement ain't onto our business.
24 Because the things we do, we try to keep them very
25 secretly, because we know the things we do could get

1 us prosecuted in federal court.

2 Q. Let's continue.

3 (Tape played.)

4 Q. "They switched them" -- did you hear what
5 he said here?

6 A. The mensaje in Cruces.

7 Q. And what was the mensaje or the message
8 that was switched in Cruces?

9 A. I guess why he was supposed to be
10 murdered.

11 Q. Let's continue.

12 (Tape played.)

13 Q. Is this the dirty laundry you talked about
14 earlier?

15 A. Yes. His charges, yes, sir.

16 Q. Let's continue.

17 (Tape played.)

18 Q. Okay. At that time what is Mr. Perez
19 telling you about the time they took his pieces from
20 his walker and being sick?

21 A. What do you mean?

22 Q. Right here he says, "I just got there. I
23 just got out of the hole" or "hold, I was real
24 sick." Was he sick at that time?

25 A. When he got out of the hole, I can't

1 recall.

2 Q. And what is he telling you here, though?

3 "I just got out of the hole, I was real sick."

4 A. I guess that's what he means. He just got
5 out of segregation. Whatever he had to go to Seg
6 for, do Seg time for, a disciplinary report, got out
7 of the hole and was sick.

8 Q. Okay. So if he was sick, was he able to
9 physically participate in this murder?

10 A. No.

11 Q. And he told you here he was sick. Did he
12 mention being scared?

13 A. No.

14 Q. Okay. Let's continue.

15 (Tape played.)

16 Q. So in other words, if physically you can't
17 participate in this murder, what do you do?

18 A. That's what he said he said. He said
19 physically, I couldn't participate in putting in
20 work, so I had to do my part. And I had to give up
21 the fierros to make the shanks out of the walker.
22 That way -- because he's doing his part. He's doing
23 his part.

24 MR. VILLA: Objection, Your Honor.
25 Speculation.

1 THE COURT: Lay some foundation as to how
2 he knows this.

3 BY MR. CASTELLANO:

4 Q. Okay. Mr. Cordova, do you see where he
5 says, "everybody has to do their part?"

6 A. Yes, he states it right there. He says --

7 THE COURT: Just a second. Lay the
8 foundation.

9 Q. Do you see where he says, "everybody has
10 to do their part"?

11 A. Yes, sir.

12 Q. So are you speculating, or has he just
13 told you that he feels like he needs to do his part?

14 A. No. He said --

15 MR. VILLA: Your Honor. There is
16 different meanings to what that is. It could be to
17 keep quiet.

18 THE COURT: He can give his understanding
19 of it. Then you can deal with it on cross. So
20 let's limit it to his understanding of what Mr.
21 Perez said.

22 THE WITNESS: In the SNM organization,
23 everybody has a part. It starts from the llavero;
24 it starts from the top, from the jefe; to the tabla,
25 to the llaveros, to the soldiers. And we were

1 soldiers. Physically, he couldn't put in work, so
2 he did what he could for the carnals.

3 BY MR. CASTELLANO:

4 Q. Let me ask you this: When he says,
5 "Physically I wasn't able to, but we all have to do
6 our part."

7 A. Yes, that's what he means. He says
8 physically, he was probably sick, had a cold or
9 whatever was wrong with him, and he couldn't do it
10 physically. So he did what he could for the
11 brothers by producing the shanks to kill Javier
12 Molina.

13 MR. VILLA: Your Honor, that's
14 speculation. That's not what the testimony in this
15 trial is.

16 THE COURT: Overruled.

17 BY MR. CASTELLANO:

18 Q. Let's continue.

19 (Tape played.)

20 Q. Did you hear what he said about flojas?

21 A. Flojas is stranding; can't leave the
22 brother flojas. And that is one of the rules in the
23 SNM organization; is you can't leave a brother
24 flojas, stranded during a mission, because that is a
25 death sentence in the SNM.

1 Q. So, in other words, was he following the
2 rules? He couldn't leave them flojas; he couldn't
3 leave them without shanks?

4 A. Yes, sir.

5 Q. Let's continue.

6 (Tape played.)

7 Q. He says, "That vato, the one who ratted on
8 the muerte." What's a muerte?

9 A. Muerte is Spanish for murder.

10 Q. Okay. Let's continue.

11 (Tape played.)

12 Q. There has been a discussion here about
13 Jesse, which Jesse is this?

14 A. That's Jesse Sosa that time.

15 Q. Okay. Let's continue.

16 (Tape played.)

17 Q. Do you know what Mr. Perez is talking
18 about here?

19 A. Yes. He's talking about Crocodile, Jesse
20 Sedillo, that he was back around some of the
21 brothers. And it was an issue about why the Molina
22 murder didn't happen a year prior to that, why he
23 didn't get killed before that. And it was an issue.
24 And more than likely, Jesse Sedillo is going to have
25 to answer for that. Probably more than likely, they

1 were going to kill him, too.

2 Q. Let's continue.

3 (Tape played.)

4 Q. Is this the same Spider known as David
5 Calbert?

6 A. Yes, when he says he's going to have to
7 address that issue meaning that --

8 MS. DUNCAN: Your Honor, this is
9 nonresponsive as to Spider.

10 THE COURT: Overruled.

11 BY MR. CASTELLANO:

12 Q. Go ahead.

13 A. He's going to have to stab BB or Croc for
14 not taking care of the mission a year prior to that.
15 So that's what he means when he says he's going to
16 have to address that issue. Spider was going to hit
17 him, was going to move on him.

18 Q. Let's continue.

19 (Tape played.)

20 Q. When you say Archie went down there,
21 papeles, no? There's a word next to it which says
22 papers. Does papeles mean papers?

23 A. Yes, it's Spanish for papers. It's
24 papeles, Spanish for paperwork, for paperwork on
25 people that rat on other people.

1 Q. Okay. Let's continue.

2 (Tape played.)

3 Q. Do you know what he's talking about when
4 he talks about none of them deserving the right to
5 say anything?

6 A. In other words, I guess they maybe haven't
7 done as much as him or he felt he didn't deserve to
8 call shots or tell him what to do or how to do it.
9 You know what I mean? So in other words, he was
10 using his intellect to determine who should have a
11 say so, who shouldn't have a say-so on his part.

12 Q. Continue.

13 (Tape played.)

14 Q. Which tabla are you talking about?

15 A. I was trying to determine the tabla that
16 was down there at the time of the Javier Molina
17 murder, but he had given a different tabla. Tablas
18 change, politics change, people change rank and
19 position, you know, every few years; sometimes
20 faster than that. It just depends who is in control
21 of the ride at that time.

22 Q. When you say the tabla was there, are you
23 referring to Southern at the time of the Molina
24 murder, or a different time?

25 A. I was referring to the Molina murder. But

1 he had said some different names that was on the
2 tabla at that time. Now, when I was there with him,
3 so maybe he didn't catch what I was saying, and he
4 was just talking about the tabla or the vatos that
5 were -- or, excuse me, the guys that were in charge
6 of the SNM organization at that time.

7 Q. When you say those are the ones that had
8 the final say so, as the members of the tabla, is
9 that the way it works?

10 A. Yes, the tabla are the gathering of
11 people, five carnals, five brothers. And they make
12 the decisions on big issues as far as other brothers
13 getting murdered. Because you are not, by rules,
14 allowed to put hands on another brother unless he
15 has broken rules and violated policies within the
16 SNM organization.

17 So when things like that get handed down,
18 yes, they get handed down from the tabla to the
19 llaveros. Then the llaveros, whatever they feel,
20 the tabla -- they're the enforcers, put it that way,
21 for the brothers in command. Then they hand out the
22 brothers they feel are fit to go on those missions
23 and that's how it gets passed down.

24 Q. Let's continue.

25 (Tape played.)

1 Q. When he says, "Washa, baby been down 16,
2 17, 18 years now," do you know who he's referring
3 to?

4 A. Yes. Is it Baby?

5 Q. Right here I'm circling on the screen.

6 A. Or is it BB? Can you go back, because it
7 might be BB, or is it Baby.

8 Q. Let's see if we can go back a little bit.

9 (Tape played.)

10 A. I think he's talking about BB in that
11 sense. I think he's talking about BB, and what he's
12 stating is that the guy has done no murders yet for
13 the onda. He's done some beatings; he's put in some
14 work, however; maybe sliced a couple of people.
15 Made sure things have gotten done when it comes to
16 making sure violations, people get hit, or people
17 get beat up. And -- but, in his eyes, he felt that
18 he had no right to be in that position in the
19 llavero, or tabla.

20 Q. So is he basically criticizing someone in
21 the leadership role here?

22 A. Yes, sir.

23 Q. Let's continue.

24 (Tape played.)

25 Q. What did you say there when it says, "Like

1 me I had an out beat"?

2 A. Because I was a brother who had my bones.
3 I've put in a lot of work for the SNM at that time.
4 And I had an out date. So brothers would feel a
5 candidate like me would deserve to go home. It's a
6 privilege to go home within the SNM organization
7 when hits are being handed out.

8 And if your record is good, then the
9 brothers tell you, Go home, and you continue on
10 furthering the agenda for the SNM organization on
11 the streets. And they thought it was -- I had an
12 out date, in other words. And brothers, we would
13 have those discussions of going out there and
14 putting things together for SNM.

15 Q. So when it says, the transcript says, "I
16 had an out beat," is it actually an out date?

17 A. Yes, sir, it's an out date.

18 Q. And the out date is the date you're
19 getting out of prison?

20 A. Yes, sir.

21 Q. I just wanted to clarify that. Let's
22 continue.

23 (Tape played.)

24 Q. All right. If you're going to move on
25 somebody, what's the problem with letting them out

1 the door?

2 A. You just failed your mission.

3 Q. Why?

4 A. Because it's going to get dirty now.
5 You're going to cause a tension and it might not get
6 done. The dude might not die. So you're not
7 supposed to ever let -- when you go in on a mission
8 to kill someone, you make sure you kill them.

9 And if not, brothers look down on you and
10 discriminate against you for that, you're considered
11 weak. And that's not something that you want to be
12 considered within the SNM, because then you could be
13 next on the list. If that guy is supposed to die,
14 you better make sure he's dead. That's the way it
15 goes.

16 Q. Let's continue.

17 (Tape played.)

18 Q. What's your understanding of who went
19 running down the stairs?

20 A. Javier Molina had broke out of his cell
21 and went running down the stairs, and to my
22 understanding it was Jerry Armenta chased him.

23 Q. Okay. Let's continue.

24 (Tape played.)

25 Q. What's he telling you when he's from the

1 old school and he got schooled right?

2 A. Because we always have a motto within the
3 SNM, "keep it old school." And the new school gangs
4 are not -- are not like all SNM is. SNM, we're
5 killers, we're people that are -- we're old school.
6 We have old rules, old mottos, and we still abide by
7 them. That's the way it will stay till -- SNM will
8 always exist. That's why we stay old school. And
9 you'll be schooled right and things will get done.
10 That's the way it goes.

11 Q. That's what Mr. Perez is telling you, is
12 that he got schooled right?

13 A. Yes. In other words, he will never rat,
14 he will never talk about business that ain't
15 supposed to be talked about, and he'll keep it old
16 school and keep his mouth shut.

17 Q. Let's continue.

18 (Tape played.)

19 Q. What are you saying there about JR
20 getting, is it a ban or a brand?

21 A. It's a tattoo. It's the Zia with the SNM
22 in it. And you have to earn that tattoo. You have
23 to draw blood or murder somebody for the SNM tattoo.

24 And when he got it tattooed behind here,
25 brothers were like, wait a minute, he hasn't killed

1 nobody, he hasn't stabbed nobody. Now that carnal
2 needs to earn that. So they were mad. That's the
3 way it goes within the SNM. You cannot get SNM
4 tattooed on you if you have not earned your bones.
5 And they were mad about that. So they said, he's up
6 next, he's going to earn his bones.

7 Q. All right. Let's continue.

8 (Tape played.)

9 Q. Who is this Julian that's referred to?

10 A. It's Julian Romero. He's another brother
11 that disrespected another brother in the process by
12 getting out and sleeping with his wife. And
13 therefore he was violated for that. And they almost
14 beat him to death for that in Cruces.

15 Q. And is that what this discussion is?

16 A. That's what this discussion is right now,
17 yes.

18 Q. And when he says on that note that you
19 said "before they moved on Julian, that was supposed
20 to happen, that was first on the list," do you know
21 what was first on the list?

22 A. Javier Molina was first on the list, then
23 Julian.

24 Q. Let's continue.

25 (Tape played.)

1 Q. Who is Ron Ron?

2 A. Ron Ron is Ronald Sanchez. That's the Ron
3 Ron that was Rudy Perez's caretaker, would take him
4 to medical on the wheelchair, and make sure he was
5 taken care of.

6 Q. If you know, do you know if Ron Ron was in
7 blue pod the day that Javier Molina was murdered?

8 A. Yes, sir, he was.

9 Q. And so you had a discussion with Mr. Perez
10 about what Ron Ron may have told him; is that
11 correct?

12 A. Yes, sir.

13 Q. Okay. Let's continue.

14 (Tape played.)

15 Q. What's a ruca?

16 A. A ruca is a chollo slang word for
17 girlfriend, wife, ruca.

18 Q. And when you're talking about Styx, is
19 this Julian Archuleta and the whole incident between
20 him and Julian Romero?

21 A. Yes, it's with Archuleta, Romero. Julian
22 got out of jail, and this was -- it took about --
23 that's how the SNM works. It took about a good, a
24 good 15, 14 years to catch up to him. And they
25 could never catch him. But finally they got a

1 chance to get their hands on him. And they beat him
2 up pretty bad, almost killed him over the incident.

3 Q. Let's continue.

4 (Tape played.)

5 Q. Was it your understanding that someone
6 named Conrad hit Julian?

7 A. Yes. To my understanding, that was the
8 individual, the other SNM member who moved on Julian
9 Romero.

10 Q. Do you know Conrad's last name?

11 A. I can't tell you.

12 Q. That's okay. Let's continue.

13 (Tape played.)

14 Q. Why are you saying that's not personal?
15 What are the reglas?

16 A. Because the rules states that you're not
17 supposed to mess with another -- one SNM member
18 ain't supposed to mess with another member in the
19 organization's wife. And that's the rules. But the
20 rules also states if it's personal like that, that's
21 when the brotherhood can step back and them two
22 brothers can kill each other by law within the
23 organization.

24 Q. And when you say, "what are the reglas?"
25 What are reglas?

1 A. It's a Spanish term for rules, reglas.

2 Q. Okay. Let's continue.

3 (Tape played.)

4 Q. What's this deal with a person named
5 Bishop? Up on top, he says, "I don't mean to bring
6 up the past to make you mad at Bishop." He's using
7 an example about personal versus family business.

8 A. Bishop? Can you replay that? Because he
9 might not have been saying Bishop. It might have
10 been -- let me see.

11 Q. Again, I'll ask you about someone named
12 Evil or called Evil as well.

13 (Tape replayed.)

14 Q. Were you able to catch that?

15 A. At that time he's talking about another
16 SNM member. I had a dispute with another SNM
17 member, and that was the charge that I was charged
18 for aggravated battery on a household member. My
19 wife and another member of the SNM had started
20 getting involved with each other romantically and it
21 was going to cause problems and issues within the
22 family. And that's what he's relating to. He's
23 relating to the way I took care of it. And the way
24 I took care of it was by taking care of her. And I
25 beat her very severely and badly over the incident.

1 And that's what he's talking about there.

2 Q. That's why he says he doesn't mean to
3 bring up the past, he's talking about you
4 specifically?

5 A. He's talking about me specifically and my
6 same personal issue between another member of the
7 organization messing around with my wife. And the
8 way I took care of it was quite different. Because
9 with the Julian and Styx situation, brothers got
10 murdered over it, brothers got stabbed over it.
11 There was divisions, it was a mess. It was a bloody
12 war.

13 Q. And then what is this deal with someone
14 called Evil?

15 A. Evil is, who I think he's talking about is
16 Evil from Farmington. I don't think it was Evil
17 from Barelás. There is two Evils in the SNM
18 organization. One of them is Randy something; the
19 other one is -- I'm trying to think of his name. I
20 can't remember. But I'm pretty sure it was Evil
21 from Farmington. Because at that time that's who
22 was in the system with us, was that Evil. I'll
23 remember his name, but I can't -- I can't recall it.
24 I'm sorry about that.

25 Q. Let me ask you about the next part, which

1 is there's talk about disrespecting a carnal, a good
2 brother. How does respect work in the SNM?

3 A. He was telling the brother that had
4 disrespected me, F them, that he had disrespected a
5 good brother, which was me, by doing that, by
6 messing around with my wife.

7 And I guess Evil was there. Evil had
8 asked him, What's wrong, carnal? And he told them,
9 that vato right there disrespected the little
10 brother Shadow, Little Shadow. And fuck that. I'm
11 sorry, excuse my language, F that dude.

12 So basically at that time -- this is how
13 politics work within the SNM. When people start
14 messing up, we throw as much things at them as can
15 stick mentally while we're in lockup. And some
16 individuals, they break and they'll PC on their own.
17 And that's exactly what happened with that
18 individual.

19 As time came, he went down to Southern New
20 Mexico Correctional Facility and he admitted to the
21 STIU that he had problems with me because over a
22 situation with drugs and my wife. And it was
23 problems. And I was down there, so STIU, they're
24 smart enough to know, hey, this guy wants protective
25 custody or he just don't want to be down here. So

1 at that time they locked him up. And there was --

2 MS. JACKS: Objection, Your Honor. This
3 appears to be another narrative.

4 A. That's what it was.

5 THE COURT: All right. Break it up.

6 THE WITNESS: Sorry about that.

7 BY MR. CASTELLANO:

8 Q. And then with -- so are there times, then,
9 when you want to get rid of somebody, you can do it
10 without violence by making them PC and get out of
11 the pod?

12 A. Yes, if you're -- there is, yes. There is
13 some members that are real cunning, real twisting,
14 conniving with their words, and they will politic
15 against another brother until he breaks mentally.

16 Q. At that point the problem is solved,
17 right, they're out of there?

18 A. Yes, sir.

19 Q. Let's continue with the recording.

20 (Tape played.)

21 Q. Now, when Mr. Perez tells you that he's
22 "solid," what is he telling you?

23 A. That means he won't break for nothing,
24 that means he's solid. He won't break. He won't
25 ever break the SNM rules and he will stick to the

1 SNM code of silence and whatever else is expected of
2 him.

3 Q. Okay. Let me turn your attention to
4 another recording between you and Mr. Perez. It's
5 Government's Exhibit 186.

6 MR. CASTELLANO: And at this time, I'd
7 move the admission of Government's Exhibit 186, Your
8 Honor.

9 THE COURT: Any further discussion on
10 that, Mr. Villa?

11 MR. VILLA: No, Your Honor.

12 THE COURT: All right. Government's
13 Exhibit 186 will be admitted into evidence.

14 (Government Exhibit 186 admitted.)

15 MS. JACKS: And again, Your Honor, we
16 would request the limiting instruction.

17 THE COURT: And this does look like
18 another conversation with Mr. Perez, so you can only
19 use this as evidence in your deliberation as to the
20 charges against Mr. Perez and not use it against any
21 of the other three gentlemen.

22 BY MR. CASTELLANO:

23 Q. Okay. Let's begin.

24 (Tape played.)

25 Q. Do you know what Mr. Perez is referring to

1 about, "we left a little piece getting bulky"? Do
2 you remember that conversation?

3 A. Yes, I know I had it. Let me see. What
4 he's talking about is a hiccup, a mess up within the
5 onda, leave a little piece or leaving bulky, it's
6 like kind of saying that we do, we're supposed to do
7 things quick and clean when it comes to murders.

8 Q. On this one here, it starts mid sentence.
9 So is this what you're talking about, sometimes you
10 might be talking, you think something important
11 might come up, and then you turn on the recording?

12 A. Yes, sir.

13 Q. Let's continue.

14 (Tape played.)

15 Q. Okay. What is this conversation about
16 here?

17 A. He's stating -- again, he's saying, when I
18 talk to you, it's de recha. Because there is
19 brothers that don't trust other brothers in the
20 organization. There is no true loyalty within the
21 SNM. So you've got to be real careful on how you
22 talk to people when you're politicking, because it
23 can get you murdered. Or certain things you say, it
24 can use it to politic against you in the future, if
25 they don't -- you know, if guys have fallout.

1 So what he's saying here is when I talk to
2 you, I talk to you straight, like a brother. There
3 is no barriers. We're truthful with each other.
4 And that's what he's stating.

5 Q. And when you tell him "it stays at the
6 borderline," what are you telling him?

7 A. In other words, those won't get crossed.
8 We won't -- don't worry about it. What he says
9 stays with me, and wouldn't cross over to other
10 brothers' mouths or ears. And if there is ever
11 politicking involved, this conversation will never
12 come up.

13 Q. Okay. Let's continue.

14 (Tape played.)

15 Q. Okay. Mr. Cordova, this is Government's
16 Exhibit 188. It's a conversation between you and
17 Rudy Perez.

18 MR. CASTELLANO: At this time, Your Honor,
19 I move the admission of Government's 188.

20 THE COURT: Any further discussion on 188?

21 MR. VILLA: No, Your Honor.

22 THE COURT: All right. Government's
23 Exhibit 188 will be admitted into evidence.

24 (Government Exhibit 188 admitted.)

25 MS. JACKS: And again, Your Honor, a

1 limiting instruction, please.

2 THE COURT: Again, this appears to be a
3 conversation with Mr. Perez. So you can only use
4 this evidence in your deliberations of the charges
5 against Mr. Perez and not in your deliberations or
6 consideration of the charges against the other three
7 gentlemen.

8 Mr. Castellano.

9 MR. CASTELLANO: Thank you, Your Honor.

10 BY MR. CASTELLANO:

11 Q. At this time we'll begin Government's
12 Exhibit 188.

13 (Tape played.)

14 Q. What's going on at this point, where there
15 is clanging and background noise, if you remember?

16 A. The CO might be coming around opening the
17 food ports to pass out chow, or yard, or showers.
18 It could have been a number of things.

19 Q. What's the discussion about Kreaper and
20 making sure he's out of the pod?

21 A. Well, what should have been -- well, he's
22 explaining his version of how things should have
23 been done cleaner. In other words, if they knew
24 there was someone that wasn't worth a crap like
25 that, they should have either killed him or smashed

1 him, got him out of the pod and then did the murder.
2 That way there would have been no telling, there
3 would have been no snitching.

4 Q. Continue.

5 (Tape played.)

6 Q. When he talks about cooking up a whole
7 batch in his room, what does that refer to? He's
8 going to be cooking up a whole batch in his own
9 room, dawg?

10 MS. DUNCAN: Your Honor, can we approach
11 for a moment?

12 THE COURT: You may.

13 (The following proceedings were held at
14 the bench.)

15 MS. DUNCAN: I just want to be careful
16 about this because we've redacted a portion of this
17 that refers to Mr. Baca. And I know you've heard
18 discussions about Mr. Baca. I'm not sure what the
19 Government is intending to elicit.

20 THE COURT: What's the answer here?

21 MR. CASTELLANO: I'm not sure. I thought
22 it was about them preparing the drugs in the cell.
23 I could have that wrong.

24 MS. DUNCAN: I wasn't sure.

25 THE COURT: Why don't you lead him through

1 this. If he gives you the answer on the cell, then
2 you've got your answer. If you don't get it, why
3 don't you move on.

4 MR. CASTELLANO: I agree. It's not
5 critical. And if he doesn't have the answer, I'll
6 move on.

7 MS. DUNCAN: Thank you.

8 (The following proceedings were held in
9 open court.)

10 THE COURT: All right. Mr. Castellano.

11 MR. CASTELLANO: Thank you, Your Honor.

12 BY MR. CASTELLANO:

13 Q. If you know, Mr. Cordova, when there is
14 talk about cooking up a whole batch in the room, do
15 you know if they're talking about the drugs they
16 were preparing in Javier Molina's cell?

17 A. Yes, it could have been that.

18 Q. Okay.

19 A. That's basically what I think we were
20 talking about.

21 Q. Okay. Let's continue.

22 (Tape played.)

23 Q. Okay. Do you know what he's talking about
24 when he refers to Fred Dog?

25 A. Yes.

1 Q. What is that?

2 A. He's talking about Fred Dog that was
3 murdered by the organization, because Fred Dog was a
4 rat.

5 Q. Okay. Let's continue.

6 (Tape played.)

7 Q. Do you know who Baby Rabs is?

8 A. Yes, Tommy Valdez; he's another member of
9 the SNM organization.

10 Q. When you say Baby Conejo, who are you
11 referring to?

12 A. Same thing, Baby Rabs. Conejo is just
13 Spanish for rabbit.

14 Q. And then when you talk about the guys
15 being in the feds, are you talking about them being
16 in federal prison or getting charged federally?

17 A. Getting charged federally.

18 Q. And is that a result of -- since this is
19 shortly after the roundup in this case, the first
20 charge -- set of charges; is that what you're
21 talking about?

22 A. I'm pretty sure that's what we're talking
23 about.

24 Q. And then before we continue, you say
25 "another cut up a jura, too." What is a jura?

1 A. A jura is a cop.

2 Q. Let's continue.

3 (Tape played.)

4 Q. What are you talking about with the inner
5 prison mail and Arturo?

6 A. There was another Arturo, and he was very
7 outspoken about him being in command. He didn't
8 care about administration, about STIU. And he would
9 send things through inner prison mail on hits or
10 hits that had been done, taking credit for things
11 that he had did. He had liked to brag within the
12 SNM. Sooner or later, that's why brothers were
13 starting to get tired of him towards the end and
14 they wanted to remove him from his power.

15 Q. Let's continue.

16 (Tape played.)

17 Q. Okay. Who are Pancho and Looney?

18 A. Pancho and Looney were two members that
19 were assassinated by the SNM organization.

20 Q. And were they also members?

21 A. Yes, they were members. They were members
22 of the SNM organization, but Wild Bill thought they
23 needed to be removed from the organization so they
24 removed them and killed them.

25 Q. Let's continue.

1 (Tape played.)

2 Q. What do you mean when you give someone
3 sopa, you get close to them and you handle business?

4 A. It's a prison term we use, because sopa,
5 it's a soup; it's a canteen, item out of the
6 canteen. And in the SNM, your killers come with
7 smiles. They don't argue with you. They don't sit
8 there -- it's not the movies. They embrace you as
9 your brother, Hey, carnal, washa brother, and then
10 they kill you. That's the way it goes within the
11 SNM organization. That's policy.

12 If you sit there and argue with someone
13 that's supposed to be hit, then they'll call you a
14 rat. Why? Because you're letting the guy know --

15 MS. JACKS: Objection, narrative.

16 THE COURT: Why don't you break it up with
17 a question.

18 BY MR. CASTELLANO:

19 Q. And so when Mr. Perez says he was giving
20 Trigger squina, what is he referring to?

21 A. What he means is probably he was giving
22 him squina, backing his play for whatever reasons.
23 But I think Trigger couldn't come out yet, so he
24 wasn't out in the open. And what I think they were
25 just trying to do was make him think it was okay.

1 As then as soon as they came out, they would kill
2 him, too. That way there wouldn't be no telling on
3 that situation.

4 Q. Okay. Let's continue.

5 (Tape played.)

6 Q. When he says "the program," is that the
7 dropout program?

8 A. Yes, sir.

9 Q. Okay. Let's continue.

10 (Tape played.)

11 Q. When he says "Even later on, I still had
12 to do work on the streets, eh." What does he mean?

13 A. Even after he earned his bones, he still
14 stayed going, he still stayed putting in work, and
15 that's what should be expected of all the brothers.

16 Q. And "on the streets," is that inside a
17 prison or outside a prison?

18 A. No, that's in the -- that's in the world,
19 in the streets, free world.

20 Q. Okay. Let's continue.

21 THE COURT: Mr. Castellano, would this be
22 a good time for us to take a lunch break?

23 MR. CASTELLANO: Sure, Your Honor.

24 THE COURT: All right. We'll be in recess
25 for about an hour, or whatever we need to get things

1 done over the lunch hour.

2 (The jury left the courtroom.)

3 THE COURT: All right. We'll be in recess
4 for about an hour. We'll see if our jurors can get
5 over there and get back in that time.

6 See you then.

7 (The Court stood in recess.)

8 THE COURT: All right. Let's go on the
9 record. Ms. Harris decided she's going to wait till
10 after work, so that's the reason we've got all the
11 jurors here. So I think we're ready to go. While
12 we're lining up both Mr. Cordova and also the
13 jury -- who do you have?

14 THE CLERK: I have the jury first.

15 THE COURT: All right. Go ahead and bring
16 the jury in. All rise.

17 (The jury entered the courtroom.)

18 THE COURT: All right. Everyone be
19 seated. Well, I appreciate all your hard work,
20 being back and ready to go. I know that some of you
21 aren't feeling well. I appreciate you hanging in
22 there and we appreciate all the hard work you've
23 done for us.

24 All right. I brought the jury in first.
25 We'll bring in Mr. Cordova now.

1 All right. Mr. Cordova, if you'll come up
2 and resume your place in the witness box, I'll
3 remind you that you're still under oath.

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: All right. Mr. Cordova.
6 Mr. Castellano.

7 MR. CASTELLANO: Thank you, Your Honor.

8 BY MR. CASTELLANO:

9 Q. All right. Mr. Cordova, before the break,
10 I think we were listening to Government's Exhibit
11 188. And so at this point I'm going to go ahead and
12 continue playing that recording.

13 A. Yes, sir.

14 (Tape played.)

15 Q. And which Shotgun is he referring to, if
16 you remember?

17 A. He's -- I'm pretty sure it's Eddie Ortega.
18 He's another member of the SNM organization.

19 Q. And do you know Arturo Garcia also
20 identified as Shotgun?

21 A. Yes. But it wasn't Arturo Garcia.

22 Q. This is a different Shotgun?

23 A. Different Shotgun.

24 Q. You said, "When you're asking about
25 Joker," you said, Hey, remember with Joker, remember

1 we were rapping about"?

2 A. Yes, he was -- I think, to be correct, his
3 name was Adolph Chavez. And he was murdered on the
4 streets. He was assassinated. It was an ambush.
5 And it still wasn't solved, so no one really knew
6 what happened.

7 Q. Let's continue.

8 (Tape played.)

9 Q. Do you know who he's referring to when he
10 talks about Little Leonard, the guy who shot him?
11 Do you know that person?

12 A. Not personally; reputation, he's a
13 former -- or he is an LC Gang member. He's a rival
14 prison gang member.

15 Q. Okay. Let's continue.

16 (Tape played.)

17 Q. When you're asking about other LCers out
18 there, who are LCers?

19 A. LCer was a rival prison gang that was on
20 the prison yards before us. And SNM took over the
21 prison yards from them by running them off the line,
22 stabbing them, murdering them, getting them off the
23 prison lines, and we took over.

24 Q. Okay. After you finished recording,
25 taking the recordings of Mr. Perez, were you also

1 placed next to Carlos Herrera?

2 A. Yes, sir, I was.

3 Q. And before we get to those recordings, I
4 want to ask you about any of the benefits you may
5 have received in this case from being a confidential
6 human source.

7 Do you recall being signed up by the FBI
8 as a confidential human source?

9 A. Yes, sir.

10 Q. And do you recall that so far -- well,
11 that you were paid \$650 in CHS services?

12 A. Yes, sir.

13 Q. And about \$100 worth of food, in terms of
14 what's been credited to your account?

15 A. Yes, sir.

16 Q. And approximately \$200 in phone expenses?

17 A. Yes, sir.

18 Q. And if you're aware -- I'll skip that. So
19 this is a total of about \$950; is that correct?

20 A. Yes, sir.

21 Q. Now, in addition to the money you
22 received, have you been charged in this case?

23 A. No, sir.

24 Q. Also as part of your cooperation, did you
25 agree with Agent Acee to help provide gang training

1 to law enforcement personnel?

2 A. Yes, sir.

3 Q. As well as to youthful offenders?

4 A. Yes, sir.

5 Q. As part of your cooperation, were you
6 allowed tier time at the Level 6 facility?

7 A. Yes, sir.

8 Q. And being at the Level 6, were you given
9 Level 4 privileges? Or what was your understanding
10 of how that worked?

11 A. It was RPP status. I was waiting to go to
12 the RPP Program. And I was just -- basically the
13 privileges that RPP inmates received at the time.

14 Q. And as part of your cooperation, were you
15 moved up the list in order to get to the RPP Program
16 faster?

17 A. Yes, sir.

18 Q. What about phone calls?

19 A. Yes, I got phone calls as an RPP inmate, a
20 lot more phone calls.

21 Q. And the contact visits?

22 A. Yes, sir, I received contact visits.

23 Q. And were you one of the people who was
24 present for a holiday party in which you were served
25 pizza and drinks?

1 A. Yes, sir, I was.

2 Q. Who was allowed to attend that party?

3 A. My family.

4 Q. In terms of the contact visits, what were
5 the normal rules for the contact visits?

6 A. The normal rules for the contact visits
7 was sit across from your family, one kiss before,
8 one kiss when you leave, and you can hold hands
9 during the visit.

10 Q. And can you tell the members of the jury
11 whether you abused those privileges?

12 A. Yes, I did abuse those privileges.

13 Q. How did you do that?

14 A. I had sexual relations with my wife in the
15 visiting room.

16 Q. Who else was present in the room when that
17 happened?

18 A. My daughters.

19 Q. How old were they?

20 A. At the time 11 and 12 years old.

21 Q. Now, by having sex with your wife, how did
22 that actually happen?

23 A. I took advantage of the privileges. I
24 seen flaws in the system, and wanted to be with my
25 wife, and -- in a romantic way, and --

1 Q. How did you have sex with your wife with
2 the children in the room?

3 A. I had her sit on my lap, and I would cover
4 her up with one of my shirts, so that way there was
5 nothing exposed. And I would slide down her pants a
6 little bit, and then we would have sex.

7 Q. So that basically happened with your wife
8 sitting on your lap?

9 A. Yes, sir.

10 Q. Now, as a result of what happened, was
11 that discovered eventually by Corrections personnel?

12 A. Yes, sir, it was, when the cameras were
13 reviewed.

14 Q. And what were the consequences for you in
15 terms of the Corrections Department?

16 A. I did six months in the hole, one year
17 loss of all privileges, phone calls, everything,
18 canteen, all that stuff.

19 Q. Did you lose any of your good time?

20 A. Yes, I lost all good time.

21 Q. And since you were signed up as a
22 confidential human source, were you also terminated
23 by the FBI as a source?

24 A. Immediately, yes, sir.

25 Q. Was that in January of 2017?

1 A. Yes, sir.

2 Q. Getting back to these recordings, I want
3 to go back to Government's Exhibit 769, which is
4 Carlos Herrera's history, and your history. So 769
5 is on the left, Carlos Herrera. On the right is
6 your placement history, which is Government's 770.

7 Okay. So I think you testified earlier
8 that from right here, January 21 of 2016 to February
9 9 of 2016, that's when you were housed next to Rudy
10 Perez; is that correct?

11 A. Yes, sir.

12 Q. And then from there it shows here Second
13 District Court MDC. What is that?

14 A. It's for my manslaughter, my murder case.

15 Q. Did you then go to court for that case?

16 A. Yes, sir.

17 Q. For, it looks like, a week, the 9th
18 through the 16th of February?

19 A. Yes, sir. I believe it was for
20 presentence report.

21 Q. And then in February 16 of 2016 to March
22 18 of 2016, can you see the pod that you were moved
23 to here on the right?

24 A. Yes, sir. It was at the South, the Level
25 4, it was 2A, L Pod, cell 2.

1 Q. When you say the South, is that the PNM
2 South facility?

3 A. Yes, it's across the street from PNM North
4 facility, Level 6.

5 Q. What cell were you in?

6 A. I was in cell L pod, 102.

7 Q. Now, I'm turning your attention to the
8 dates of February 16th, 2016 to April 20th of 2016
9 for Carlos Herrera. Do you see here where he was in
10 cell 101?

11 A. Yes, sir.

12 Q. So cell 101 and 102, were you once again
13 neighbors with him?

14 A. Yes.

15 Q. And looking at the dates, it looks like
16 from February 16 to March 18 you were next to him
17 for approximately one month. Is that accurate?

18 A. Yes, sir.

19 Q. And during that time then, did you -- how
20 did you record him?

21 A. The same way I recorded Rudy Perez. The
22 cells are similar, set up the similar way. It was
23 underneath the bunk through a heater vent, with more
24 or less the same recording device, AAA batteries, an
25 on and off switch.

1 Q. Okay. Mr. Cordova, I'm going to turn your
2 attention to Government's Exhibit 198, which is a
3 conversation between you and Mr. Herrera.

4 MR. CASTELLANO: At this time, Your Honor,
5 I'd move the admission of Government's Exhibit 198.

6 THE COURT: Any further discussion on
7 that?

8 MS. JACKS: No further argument, Your
9 Honor. We'd ask for a limiting instruction.

10 (Government Exhibit 198 admitted.)

11 THE COURT: All right. Not hearing any
12 objection, Government's Exhibit 198 will be admitted
13 into evidence. And I think this is a conversation
14 with Mr. Herrera. So it can only be used in your
15 deliberations as to the charges against Mr. Herrera
16 and not as to the other three gentlemen.

17 MR. CASTELLANO: And for the record, we
18 will be playing portions of that. The entire
19 recording is being moved, though we're playing
20 portions of it, Your Honor.

21 BY MR. CASTELLANO:

22 Q. Did you know Carlos Herrera by any other
23 names?

24 A. Yes, Lazy.

25 Q. So sometimes in these conversations, do

1 you refer to him as Lazy?

2 A. Yes, sir.

3 Q. Did you know him to be an SNM Gang member?

4 A. Yes, sir.

5 MR. CASTELLANO: Your Honor, we're having
6 trouble loading 198, so I'm going to move to another
7 exhibit right now.

8 The next exhibit is Exhibit 196, and this
9 is also a conversation between Carlos Herrera and
10 Mr. Cordova. So at this time I move the admission
11 of Government's 196, Your Honor.

12 THE COURT: Any objection on this?

13 MS. BHALLA: If I can just ask the
14 Government, what's the transcripts number, Mr.
15 Castellano?

16 MR. CASTELLANO: The Bates stamp number?

17 MS. BHALLA: Yes.

18 MR. CASTELLANO: Is 20874.

19 MS. BHALLA: Thank you, Your Honor. No
20 objection.

21 THE COURT: Not hearing any further
22 objection, Government's Exhibit 196 will be admitted
23 into evidence.

24 (Government Exhibit 196 admitted.)

25 MS. JACKS: Your Honor, I believe our

1 objections are already on the record. We just ask
2 for a limiting instruction.

3 THE COURT: All right. Again, the
4 Government has indicated that this will be a
5 recording of Mr. Herrera and so you can only use
6 this evidence in your deliberations as to the
7 charges against him and not against the other three
8 defendants.

9 Mr. Castellano.

10 MR. CASTELLANO: Thank you, Your Honor.

11 BY MR. CASTELLANO:

12 Q. I'm going to go ahead and begin playing
13 Exhibit 196.

14 (Tape played.)

15 Q. Okay. To start out, he uses the word
16 desmadre. What does that mean?

17 A. Desmadre, that's to create chaos, to mess
18 something up, to dismantle something.

19 Q. And why are you talking about fear or why
20 is he talking about fear at this point?

21 A. Because we felt like the SNM was losing
22 grips on the extortion rackets in the streets and in
23 prisons, and the fear that people had about --

24 MS. BHALLA: Your Honor, I object at this
25 point. This is editorializing by the witness. They

1 can play the testimony, they can play the
2 transcripts. It's up for the jury to decide what it
3 means. And I understand the Court's rulings on
4 previous issues, but I'd like to make a standing
5 objection throughout the testimony of that nature,
6 Your Honor.

7 THE COURT: All right. Well, I'll
8 overrule the general objection. But let's try to
9 make sure we ask questions so that the defendants
10 can object and make sure that it doesn't become a
11 narrative and go into fields that they don't have a
12 chance to object to.

13 All right. Mr. Castellano.

14 MR. CASTELLANO: Thank you, Your Honor.

15 BY MR. CASTELLANO:

16 Q. Mr. Cordova, what's the importance of fear
17 in the SNM?

18 A. It plays a big factor. It's what helps us
19 further the agenda of the SNM organization.

20 And what he's talking about is putting
21 fear back in all the other street gangs and prison
22 gangs, to respect us. Respect the SNM.

23 Q. Was there discussion among the two of you
24 that there was a concern that there might not be as
25 much fear of the SNM as there used to be?

1 A. Yes, there was. Because of the lockdown
2 situation of the administration taking us off the
3 general population lines, and that the talk was
4 taking it to the streets and keeping it out there
5 and putting fear in people out there by any means
6 necessary, murder, whatever.

7 MS. BHALLA: Same objection, Your Honor.

8 THE COURT: Overruled.

9 BY MR. CASTELLANO:

10 Q. Now, there's going to be discussion here
11 of the word "ranfla." What does that mean?

12 A. It's a Spanish word for car, and that's
13 how we describe ourselves, as a car, in prison. The
14 group, the organization, the SNM organization, we
15 describe ourselves as a car, a ranfla.

16 Q. So you start talking about our car at some
17 point, you're talking about the SNM?

18 A. Yes, sir, talking about the SNM
19 organization.

20 Q. Let's begin with the recording.

21 (Tape played.)

22 Q. So what's this talk about things happening
23 on the streets?

24 A. He's talking about we need to get out
25 there and don't advertise it to the general public,

1 that way we can stay under the radar, under law
2 enforcement, but we can recruit foot soldiers from
3 the street gangs to do our dirty work for us, like
4 the Mexican Mafia, like the Eme.

5 Q. He's talking about enforcing reglas.
6 That's enforcing what?

7 A. Enforcing rules of the SNM organization.

8 Q. Let's continue.

9 (Tape played.)

10 Q. Now, when there is discussion of going to
11 different barrios and collecting, what is that
12 about?

13 A. That's the extortion rackets. We force
14 people to pay us for selling drugs in the
15 neighborhoods. If not, we take them to war; we'll
16 kill them.

17 Q. And he also talks about vatos and Califa,
18 what is Califa?

19 A. Well, he's talking about the Mexican Mafia
20 there and the way they handle the Surenos. The
21 Surenos out there pay taxes to the Eme, and is what
22 the SNM is supposed to be in New Mexico. It's
23 supposed to be the Mexican Mafia for New Mexico,
24 because we're hooked up and tough with them guys in
25 California.

1 Q. And when Mr. Herrera uses the term
2 "hynas," what does that refer to?

3 A. He's talking about using women, he's
4 talking about using girls to communicate with
5 brothers, put them on visiting lists and send them.
6 We can send them into the prison system to send out
7 hits, send out to do business for us.

8 They can even go in and try to hook up
9 with like law enforcement, when they're coming in to
10 visit, and get them on the team; that way we can
11 find out where they live. We can use women for all
12 kinds of different resources; get them into the
13 motor vehicle department --

14 MS. BHALLA: Objection, narrative, Your
15 Honor.

16 THE COURT: Let's ask a question.

17 THE WITNESS: Sorry about that.

18 BY MR. CASTELLANO:

19 Q. Let's turn to clip number 2.

20 (Tape played.)

21 Q. What is Mr. Herrera discussing in terms of
22 drug use and the SNM and other gangs?

23 A. He bans it. He says he don't want people
24 using drugs because it leads us to a downfall, to
25 messing up. You know, he wants us to be structured

1 and organized like other organizations, and how we
2 were in the past years.

3 Q. So in his opinion that he's expressing to
4 you, have drugs created problems for the SNM?

5 A. Yes. Just like any other prison gang,
6 yes, it creates problems because people tend to lack
7 discipline when they get to the streets, tend to
8 lack structure, and they make mistakes that they
9 normally wouldn't make when they're sober and, you
10 know, they're clean in the mind.

11 Q. Let's continue.

12 (Tape played.)

13 Q. Earlier there is a discussion of Boo-Boo.
14 Who is Boo-Boo?

15 A. Boo-Boo is an SNM former member of the
16 organization; that he was a Barelano, he's from
17 Barelans. And basically what he's talking about --

18 MS. BHALLA: Objection, Your Honor. May
19 we approach?

20 THE COURT: You may.

21 (The following proceedings were held at
22 the bench.)

23 MS. BHALLA: I just want to make sure you
24 guys aren't trying to elicit testimony about Carlos'
25 involvement in the --

1 MR. CASTELLANO: No.

2 THE COURT: Why don't you cut him off.
3 Cut him off and lead him through this so we don't
4 get --

5 MR. CASTELLANO: I only asked who he was,
6 Your Honor.

7 MS. BHALLA: But he goes on. I just want
8 to make sure.

9 THE COURT: Why don't you lead him through
10 this without bringing up the other murder.

11 (The following proceedings were held in
12 open court.)

13 THE COURT: All right. Mr. Castellano.
14 BY MR. CASTELLANO:

15 Q. All right. You mentioned Boo-Boo. And
16 there is also mention of someone named Julian here.

17 A. What he's talking about is --

18 Q. Is that Julian Romero?

19 A. Yes, sir, it is.

20 Q. And was Julian Romero from the Barelás
21 neighborhood in Albuquerque?

22 A. Yes, he was.

23 Q. I'm going to turn to the third clip.
24 Let's begin with that one.

25 (Tape played.)

1 Q. Do you know what happened in Las Cruces on
2 the streets?

3 A. On the streets?

4 Q. Yes. It says, "Just cause of that shit
5 that happened in Cruces." And then it says,
6 "unintelligible streets, too." And there is talk
7 about the RICO Act.

8 A. I think more or less what he's talking
9 about there is --

10 MS. BHALLA: Objection, Your Honor,
11 speculation. He thinks. He doesn't know.

12 THE COURT: Well, why don't you rephrase
13 your question in terms of what he understood when he
14 was talking to Mr. Herrera, Mr. Herrera to be
15 talking about. So it's his understanding.

16 BY MR. CASTELLANO:

17 Q. What is your understanding about what
18 Mr. Herrera is talking to you about, especially
19 including mention of the RICO Act?

20 A. My understanding was we need to be more
21 smarter, we need to be more tight knitted because
22 the feds are investigating us now, and it's going to
23 be hard for us to move further with the SNM.

24 The goals of the SNM we're trying to
25 achieve in the organization so we needed to be more

1 low-key.

2 Q. Let me ask you this: At the point you had
3 this conversation with Mr. Herrera, had he been
4 charged in the federal case yet?

5 A. Not yet, no, sir.

6 Q. Let's turn to the next clip.

7 (Tape played.)

8 Q. When you asked Mr. Herrera if that's going
9 to give us a boost up, what are you talking about?

10 A. What we're talking about is with the
11 prison, state prison system, we were getting locked
12 up; we were getting limited on the lines. But in
13 federal prison, we would have free range on the
14 lines.

15 And people from New Mexico that were
16 disrespecting the SNM would be hit once they went to
17 the federal system, because we would have more
18 access to them, is what he thought.

19 Q. Let's continue.

20 (Tape played.)

21 Q. What's the problem with being a
22 gang-related imposter?

23 A. Not good. You can't be a fake. You've
24 got to be real with it, because in that game you'll
25 get murdered.

1 Q. Okay. Let's continue.

2 (Tape played.)

3 Q. So Mr. Herrera talks about "Chicano
4 movement under us" and the foot soldiers. Is he
5 talking about starting a new movement and recruiting
6 additional members?

7 A. Basically, what he's talking about is
8 getting all the barrios underneath us, all the
9 street gangs, getting them underneath us, under one
10 movement; in other words, being our foot soldiers,
11 doing our dirty work for us. And, yes, when time
12 comes, there will be new recruitments out of those
13 ranks.

14 Q. Would this be one of the ways to possibly
15 reorganize the SNM Gang?

16 A. Yes, it's the reorg -- well, it's always
17 been a part of us. That's always been our movement.
18 It's just, there has been times, because the
19 administration catches on a little quicker, and they
20 lock us down, and it sets us back a few years. So
21 every time it sets us back, they got to start from
22 scratch.

23 And they felt now that it was time we had
24 to start from scratch again, because we were
25 losing -- with the RICO Act, it took a lot of our

1 good --

2 MS. BHALLA: Objection, narrative.

3 THE COURT: Can we try another question?

4 BY MR. CASTELLANO:

5 Q. What effect did the RICO Act have on the
6 gang?

7 A. Oh, it had a big impact. It set us back
8 about 10, 15 years.

9 Q. Let's continue.

10 (Tape played.)

11 Q. What does Mr. Herrera mean when he says,
12 "We're going to start putting in jale"?

13 A. He means start robbing, killing,
14 extorting. That's jale. Jale, for us, is a job,
15 and the job is to go in and be enforcers for the SNM
16 and do whatever needs to be done to gain recognition
17 within the street gangs out there. And we do it by
18 the most brutal force necessary, because fear is
19 what brings respect within the gang culture.

20 Q. When he says "these vatos from the S," is
21 the S just a short form of SNM?

22 A. It's a short form of SNM, yes.

23 Q. And you mentioned two terms, one is Zia
24 Keeskees and Zia manos. First of all, what is Zia
25 Keeskees?

1 A. Zia Keeskee is what I started off as, a
2 prospect, a young brother that's being prepped to be
3 a Zia mano. Once you are a Zia mano, you're a
4 full-fledged SNM Gang member.

5 Q. Okay. I think we now have Exhibit Number
6 198 available, which is the first one we moved in.
7 Let's go ahead and move back to that one and we'll
8 begin playing Government's Exhibit 198.

9 (Tape played.)

10 MS. BHALLA: Can you give me the Bates
11 number? I'm sorry.

12 MR. CASTELLANO: It's 20933.

13 MS. BHALLA: Thank you, sorry.

14 (Tape played.)

15 BY MR. CASTELLANO:

16 Q. What is this discussion of taking it to
17 the streets and youngsters?

18 A. It's going out there and recruiting
19 youngsters as young prospects as young as 11, 12, 13
20 years old, and we groom them. We groom them up to
21 be either enforcers for the SNM. And we feel the
22 ones that are the most elite, because that's what
23 SNM is supposed to be about, be elite, we make them
24 members, the ones that are the most feared, like we
25 are, we make them SNM members.

1 Q. Let's continue.

2 (Tape played.)

3 Q. Who are Alex and Juanito?

4 A. They're SNM members of the organization.

5 Q. And if you would have been a good SNM Gang
6 member, would you have agreed with Mr. Herrera that
7 you all have to do your part?

8 A. Of course.

9 Q. Let's continue.

10 (Tape played.)

11 Q. Who are you guys going to get?

12 A. We're going to get other rival gang
13 members that don't want to take into the SNM
14 influence. Whoever don't want to be under our
15 command, we're going to force them so when he says
16 get them, we're going to kill them.

17 Q. Let's continue.

18 (Tape played.)

19 Q. So has that been one of the problems with
20 the SNM, is the sharks are feeding off each other?

21 A. Yes, the sharks are feeding off each other
22 because we don't have no one to feed off of.

23 Q. And that's because you guys have largely
24 been housed together in your own pods?

25 A. Yes. Because the administration felt we

1 were too much -- too dangerous to be on the general
2 population line so they put us together just with
3 ourselves.

4 Q. Let's continue.

5 (Tape played.)

6 Q. What's the importance of getting people to
7 fall in line?

8 A. Very important. That's how an
9 organization works, is people have to fall in line.
10 And according -- to do that, you've got to do those
11 things: Murder, stab people, assault people;
12 they've got to fear you. And that's what the SNM is
13 about: We're about fear, putting fear in people to
14 respect us.

15 Q. When he uses the word "big homie," what is
16 a big homie?

17 A. A big homie in terms is a made man. A
18 made man is a mafioso. That means you're part of a
19 clika, part of the SNM, when you're a big homie.

20 Little homies are guys that haven't made
21 it to be a made man yet. You're under us. And a
22 big homie calls shots.

23 Q. At this time I'm going to play for you
24 Government's Exhibit 204, which is a conversation
25 between yourself and Carlos Herrera.

1 MS. BHALLA: May I have the Bates number?

2 MR. CASTELLANO: Starting at page 20918.

3 THE COURT: Any objection?

4 MS. BHALLA: No. Thank you.

5 THE COURT: Not hearing any objection,
6 Government's Exhibit 204 will be admitted into
7 evidence.

8 (Government Exhibit 204 admitted.)

9 MS. JACKS: And, Your Honor, I believe
10 we've previously stated our objections. We'd ask
11 for a limiting instruction.

12 THE COURT: All right. The Government is
13 going to play a tape that involves conversations
14 with Mr. Herrera. You can only use this evidence in
15 your deliberations as to the charges against Mr.
16 Herrera and not as to the other three gentlemen.

17 Mr. Castellano.

18 MR. CASTELLANO: Thank you, Your Honor.

19 BY MR. CASTELLANO:

20 Q. Let's begin playing Exhibit 204, please.
21 This is the first clip.

22 (Tape played.)

23 Q. Okay. There are a few things here. What
24 does it mean to be false ragging?

25 A. That means that you're not really part of

1 the organization; you're more a claimer than
2 anything. You're fake.

3 Q. And when there is talk about giving
4 someone a fierro, you either run with New Mexico or
5 you run under our reglas.

6 A. That means the guys that are falling out
7 of New Mexico that don't want to run under us, the
8 SNM, they're going to ride under us or they're going
9 to ride underneath the Eme, and the Eme is going to
10 use them as crash dummies.

11 Q. What's a crash dummy?

12 A. Crash dummy is somebody that don't have
13 respect and is forced and feared into doing things
14 he don't want to do.

15 Q. Let's continue.

16 (Tape played.)

17 Q. What is basura?

18 A. He's saying basically they're trash
19 because they're fake. They're not real Sureno. So
20 if they want to ride Sureno and the Eme isn't going
21 to recognize them because they only recognize us as
22 big homies from the state of New Mexico, and if they
23 want to ride under them, go ahead and they'll be
24 trash. They'll get treated like trash. They'll be
25 crash dummies.

1 Q. Is basura the Spanish word for trash?

2 A. Yes, it is.

3 Q. I'm going to go ahead and cut that one
4 short and move to the second clip.

5 (Tape played.)

6 Q. Just a little bit ago you mentioned
7 bringing people together under the SNM. Is this
8 further discussion of doing that?

9 A. Yes, this is further discussion of doing
10 that.

11 Q. I'm going to go ahead and move forward to
12 clip number 3. It's on page 20923.

13 (Tape played.)

14 Q. What's your understanding of when
15 Mr. Herrera says everybody else started off sooner?

16 A. He's talking about the Mexican Mafia, the
17 Latin Kings, big organizations that -- the Mexican
18 Mafia is one of our main influentials. We started
19 under their structure in the federal prison system.

20 MS. BHALLA: Objection. Narrative.

21 THE COURT: Overruled.

22 A. That's what he means when he says we
23 started a little late, but we'll be all right.
24 We'll be like the Eme one day. We'll get this state
25 under lock.

1 BY MR. CASTELLANO:

2 Q. Let me turn to clip number 4, also from
3 Exhibit 204.

4 (Tape played.)

5 Q. What's a ticato?

6 A. A ticato is a heroin junkie.

7 Q. Okay. Let's continue.

8 (Tape played.)

9 Q. So what's this talking about, Holly Holm
10 and Mayweather and taxing people?

11 A. Just being a comedian there, but basically
12 he's saying there is no limits in what we can do by
13 extorting people out there in the streets.

14 Q. Let's continue.

15 (Tape played.)

16 Q. Now, when Mr. Herrera talks about when
17 they hear Syndicato, they flee. And you say that
18 was 10, 15 years ago. Was there concern that SNM
19 was losing some of its fear factor?

20 A. Yes, we were concerned we were losing our
21 fear factor, so we needed to step up our game.

22 Q. Okay. Let's turn to the next clip on this
23 exhibit, that's at 20926.

24 (Tape played.)

25 Q. What about the prostitutes and giving them

1 jobs at the Correction Departments if they have
2 clean records?

3 A. So we can infiltrate the Corrections
4 Department and we can get more information on
5 where -- what we wanted to do was murder certain
6 STIU officers or put fear back in the Department of
7 Corrections.

8 MS. BHALLA: Objection, Your Honor.
9 That's just nowhere remotely. I'm sorry, but --

10 THE COURT: You can deal with that on
11 cross. Overruled.

12 BY MR. CASTELLANO:

13 Q. Were you aware of hits on corrections
14 officers?

15 A. Yes.

16 Q. Now, let me turn to Government's Exhibit
17 202, which is a conversation between you and
18 Mr. Herrera. And this is page 20909.

19 MR. CASTELLANO: At this time, Your Honor,
20 I would move the admission of Government's Exhibit
21 202.

22 THE COURT: Any further objections need to
23 be made to this? Not hearing any, then Government's
24 Exhibit 202 will be admitted into evidence.

25 (Government Exhibit 202 admitted.)

1 MS. JACKS: Nothing further from us, but
2 we would request a limiting instruction.

3 THE COURT: All right. This continues to
4 be a conversation with Mr. Herrera, and so you can
5 only use this evidence in your deliberation as to
6 the charges against him. You cannot use it in any
7 way against the other three gentlemen.

8 Mr. Castellano.

9 MR. CASTELLANO: Thank you, Your Honor.

10 BY MR. CASTELLANO:

11 Q. We'll begin playing Exhibit 202.

12 (Tape played.)

13 Q. So in this recording, Mr. Herrera talks
14 about possibly injecting someone with someone else's
15 insulin who is not diabetic. Would this be a
16 version of a hotshot that you've told us about
17 previously?

18 A. Yes, that's what we're talking about.

19 Q. I'm going to turn your attention now to
20 Government's Exhibit -- let me check the number -- I
21 believe it 192.

22 Mr. Herrera, I'm going to play another
23 recording between you -- excuse me. Mr. Cordova,
24 another recording between you and Mr. Herrera. This
25 is Government's Exhibit 192.

1 MR. CASTELLANO: And at this point, Your
2 Honor, I move the admission of Government's Exhibit
3 192.

4 THE COURT: Any other discussion, anything
5 else on this?

6 MS. BHALLA: Your Honor, I think that this
7 deals with the previous objection that I raised
8 earlier. So I don't know if you want me to address
9 it quickly, or --

10 THE COURT: Well, I'm prepared to rule on
11 195, but do you have now additional ones as to 192?

12 MS. BHALLA: It's the same issue when 195
13 is included.

14 THE COURT: All right. Why don't you
15 approach and I'll give you a ruling on 195.

16 (The following proceedings were held at
17 the bench.)

18 THE COURT: All right. This relates to --

19 MR. CASTELLANO: I have 192, you had
20 objected to 195.

21 MS. BHALLA: That's correct. But the
22 basis of my objection in 195 was that it dealt with
23 the Julian Romero incident, which hasn't been
24 charged and hasn't been listed as a bad act.

25 THE COURT: I haven't reviewed 192, but I

1 have 195 in some detail. Let me give you my ruling
2 on 195 and see if it resolves this.

3 MS. BHALLA: Okay.

4 THE COURT: Again, this is a conversation
5 between Billy Cordova and Carlos Herrera. And if I
6 understood your objection this morning to 195, you
7 primarily were objecting to the introduction because
8 it concerned the conspiracy to assault Julian
9 Romero.

10 MS. BHALLA: Correct.

11 THE COURT: And that Mr. Herrera is not
12 charged with conspiring to assault Mr. Romero. And
13 the conspiracy to assault Mr. Romero was not
14 disclosed as a prior Herrera bad act.

15 MS. BHALLA: Correct.

16 THE COURT: That's my understanding. I
17 think that the exhibit should be admitted because it
18 contains many Herrera statements that are relevant
19 and probative of the charges against Mr. Herrera.

20 I do have an isolated Cordova statement on
21 DeLeon 20861-62 indicating that Mr. Herrera was on
22 the tabla. I think it should be redacted as
23 inadmissible hearsay.

24 So other than that, let's start with Bates
25 numbers 20861 to 62. There what Mr. Cordova states

1 is that he -- and that's this Earn Dog -- was saying
2 "Ahh, I don't know fuckin know Lazy was on the tabla
3 and just talking down and shit like that."

4 This statement explicitly asserts an
5 assertion by Mr. Cordova that Mr. Herrera was on the
6 tabla. That assertion is inadmissible hearsay so
7 that needs to be redacted.

8 Going to pages 20863 through 67 here,
9 where I think your objections are mainly targeted
10 at, is that Mr. Herrera makes several lengthy
11 statements about the assault on Julian Romero. I
12 think those discussions were relevant to the charges
13 against Mr. Herrera because it shows Mr. Herrera's
14 role in the SNM. Mr. Herrera states that he argued
15 that Romero, "needed a violation," but "didn't
16 deserve to die." That's at DeLeon 20863 to 64.
17 That Mr. Herrera's desires were carry into effect.
18 Mr. Romero was assaulted but wasn't killed.

19 Mr. Herrera was an influential SNM member.
20 Mr. Herrera's position in the SNM is relevant to
21 whether he conspired to kill Mr. Molina to maintain
22 or advance his position in the SNM. I think it's
23 also relevant to whether Mr. Herrera approved,
24 supervised the Molina murder. If Mr. Herrera was
25 not a high ranking member, he would not have been in

1 a position to approve or supervise SNM operations.

2 I think Mr. Herrera's discussion is also
3 relevant because it reflects Mr. Herrera's state of
4 mind. I know that we're not going to admit this
5 against the other defendants, but I still think it
6 shows the breadth of what the discussions are and
7 provides a potential motive for Mr. Herrera's
8 participation in the Molina murder.

9 At 20866, he says "They have to realize
10 carnal, reglas are reglas. It goes for Styx, too.
11 It goes for anyone, carnal. For me, for you, for
12 all of us. Rules are rules, carnal." And then it's
13 unintelligible, "you got what you got coming."

14 Moving to 20869, Mr. Herrera's statements
15 describe SNM standard practices and touch on Javier
16 Molina in particular, that murder. The CHS, Mr.
17 Cordova, "What I trip out on is that vato, hey that
18 fool Javier was there for four fuckin years,
19 carnal."

20 Mr. Herrera says, "I know," it's UI,
21 brother. UI. How the fuck?! How the fuck told
22 him. It's like," UI, "just like with anybody else
23 and I told him, You know what? And that's why this
24 ranfla is the way it's been. It's because you
25 have -- there was no fear. Nobody had fear back

1 then," UI, fuckin" UI. "You have fear," UI,
2 "because, you knew if -- if anything. You get home
3 and you said anything stupid, you were done." And
4 that's at DeLeon pages 20869.

5 Moving to 20870, Mr. Herrera also
6 discusses the specifics of the Molina murder. The
7 confidential informant states "Hey, but that shit
8 was real though, huh?"

9 Mr. Herrera states, "Huh?"

10 The informant, "Them papeles were real,
11 huh?"

12 Mr. Herrera states, "I put that on
13 everything, brother. I know this," UI, "that's one
14 thing me, and Alex, Dan Dan, even Cyclone," UI.
15 "Spider, all of us, Blue, all of us, carnal, made
16 that decision, carnal." It's," UI. Then, "That, it
17 has to be legit. It has to be good, carnal. Now,
18 that's why there was certain carnals; it wasn't
19 about" UI. "As to say, um, was what it was, carnal,
20 it was just a community of older brothers at the
21 time that put together and made a decision together.
22 You didn't have just one person just making
23 decisions for everybody."

24 Then finally on 20871, Mr. Herrera's
25 statements also describe SNM racketeering activity.

1 It says, "Now you're gonna to start paying, it's not
2 saying that, that you're a punk, but you're gonna
3 fuckin throw something in this," UI, "toward the"
4 UI. "And this goes for everyone." UI "everyone
5 outside this ranfla. That's what they started -- we
6 started -- it's -- like, in other words, you get the
7 clavo on the streets, you give a percentage to the
8 big homie, which is us. What percentage then we
9 distribute the drugs. And everybody sees that.
10 They see that money gets," it's (unintelligible).
11 "All the homies on the streets rallying up all the
12 fuckin home girls, and the chiva taking it off the
13 streets." Then it's unintelligible. "Putting em to
14 work, carnal." (Unintelligible.) "Fuckin."
15 (Unintelligible.) "Everybody" (unintelligible), "is
16 we all need to do it. All of us have resource,
17 carnal." A couple of unintelligibles. "But once
18 you have that taken care of, everything is history."
19 And that's 20871.

20 And drug dealing is racketeering activity
21 according to the Government's charges, so these
22 statements by Mr. Herrera are relevant to whether
23 the SNM is an enterprise engaged in racketeering
24 activity. So other than the one statement on 20861,
25 26, where Cordova is doing the statement, I think

1 that's inadmissible hearsay. I'll otherwise admit
2 195.

3 Does that largely cover what you need off
4 192, as well?

5 MS. BHALLA: It does, Your Honor. But I
6 would like to briefly be heard. The statement on
7 20870 where he said that this was specifics
8 regarding the Molina murder, that's precisely why I
9 want to keep it out. The conversation is about
10 Julian Romero. It's very confusing. It appears to
11 be about Javier Molina, but it's not. And I think
12 that that's the reason we want it out.

13 THE COURT: Okay.

14 MS. BHALLA: It's misleading.

15 THE COURT: Well, even if it's about
16 Julian Romero, as I indicated on those passages,
17 which it was clear to me it was relating to the
18 assault on him, I still think those are relevant
19 here as to the charges against Mr. Herrera.

20 MS. BHALLA: And they may be relevant,
21 Your Honor, but I think our position is that it's
22 more prejudicial than probative in this particular
23 situation.

24 THE COURT: Okay. I'll overrule that
25 objection.

1 MR. CASTELLANO: Make sure I have the
2 right redactions.

3 THE COURT: Starts with the line "And he,"
4 and I think that's referring to this Earn Dog.

5 MR. CASTELLANO: Yes.

6 THE COURT: Then to the end of that, it
7 says "like that." That needs to be redacted.

8 MR. CASTELLANO: We're fine with the
9 Court's ruling. The only thing, we don't have that
10 cut into two pieces, so we may need to take a second
11 to actually redact that from the recording.

12 THE COURT: You're going to do 192. Then
13 we'll take a break, and you can do 195.

14 MR. CASTELLANO: Yes, sir. Thank you.

15 MS. DUNCAN: Your Honor, Ms. Jacks has
16 been making objections and asking for limiting
17 instructions and renewing. I haven't been jumping
18 up to repeat what she's saying. But Mr. Baca has
19 joined all those objections.

20 THE COURT: And I'm making the
21 instructions as to Mr. Baca, as well.

22 MS. DUNCAN: I just want to make sure for
23 appellate purposes.

24 MR. CASTELLANO: I think the Court has
25 mentioned the other three defendants in each

1 limiting instruction.

2 MS. DUNCAN: You have -- I want to make
3 sure it's understood that we're joining. I just
4 don't want to repeat Ms. Jacks.

5 THE COURT: Okay.

6 (The following proceedings were held in
7 open court.)

8 THE COURT: All right. So Government's
9 Exhibit 192 will be admitted into evidence.

10 (Government Exhibit 192 admitted.)

11 MS. JACKS: And, Your Honor, based on our
12 previous arguments, we'd object and ask for the
13 limiting instruction.

14 THE COURT: All right. Again, this is
15 going to be a conversation with Mr. Herrera. And so
16 you can only use this conversation in your
17 deliberations as to the charges against him and not
18 as to the other three gentlemen.

19 All right. Mr. Castellano.

20 MR. CASTELLANO: Thank you, Your Honor.

21 BY MR. CASTELLANO:

22 Q. At this time we'll begin playing
23 Government's Exhibit 192.

24 While this is getting pulled up,
25 Mr. Cordova, were you aware that Robert Martinez,

1 also known as Baby Rob, had renounced the gang?

2 A. Yes, sir.

3 Q. At some point do you have discussions with
4 Mr. Herrera about that?

5 A. Yes, sir.

6 Q. How did you find out that he had renounced
7 the gang?

8 A. I was there when he renounced. I was in
9 the same pod with him. I was in X pod, 3B, and I
10 was there when he renounced.

11 Q. Did he leave one day and never come back?

12 A. Yes, leave one day, and never came back.
13 And to my understanding he gave up his weapon, his
14 shank to the STIU and left.

15 Q. While we're waiting, what does it mean to
16 be -- when you say everybody was up in hoops?

17 A. Everything was in groups. Everybody was
18 plotting for the next power position, who was going
19 to take over on being on the tabla, what needed to
20 be done. And there was disagreements amongst groups
21 of how they felt the SNM should be ran at that time.

22 THE COURT: Mr. Castellano, do you want to
23 just take this tape up after the break?

24 MR. CASTELLANO: I think so, Your Honor.

25 THE COURT: All right. We'll be in recess

1 for about 15 minutes.

2 (The jury left the courtroom.)

3 THE COURT: All right. We'll be in recess
4 for about 15 minutes.

5 (The Court stood in recess.)

6 THE COURT: All right. We'll go on the
7 record. Anything we need to discuss before we bring
8 the jury in, Mr. Beck?

9 MR. BECK: Your Honor, I just wanted to
10 note for the record that during Mr. Cordova's
11 testimony, when the recordings were playing with Mr.
12 Perez, Mr. Perez was awake and coherent and paying
13 attention to the screen. I was watching him
14 closely. It didn't appear that his attorneys asked
15 him questions or he asked questions of his
16 attorneys. So just for the record on the motions
17 that have been filed.

18 THE COURT: All right. Thank you,
19 Mr. Beck.

20 How about from the defendants, anybody
21 have anything? Mr. Lowry, Ms. Duncan?

22 MS. DUNCAN: Your Honor, I don't know if
23 we have time to discuss it now, but we intended to
24 call in the defense case witnesses regarding the
25 recent charges that Eric Duran incurred in Portland,

1 since we couldn't ask him because of the Fifth
2 Amendment. My understanding is that the Government
3 is going to object to those witnesses, and because
4 we would be flying them in from Oregon, we wanted to
5 talk to the Court about that before we incur that
6 expense.

7 THE COURT: What's the objection?

8 MR. BECK: Your Honor, the objection is I
9 think the Court already concluded correctly that
10 it's a collateral matter. Mr. Duran was asked
11 questions about all of them. He answered -- I don't
12 think he said no to those questions when he was
13 asked about the allegations and his daughter, and
14 whether witnesses found things. He said, I don't
15 know that, which I think is truthful. So I don't
16 think there is material to be impeached. If there
17 is, it's impeachment with extrinsic evidence, which
18 is improper for collateral matters under 608(b).

19 THE COURT: All right. I'll give it some
20 thought.

21 MS. DUNCAN: Your Honor, if I can just
22 point out, Rule 608 disallows intrinsic evidence
23 bearing on the issues of truthfulness, character for
24 truthfulness. But this is his bias. And bias is
25 never a collateral matter. And the jury is entitled

1 to hear the full scope of Mr. Duran's misconduct in
2 evaluating him as a witness and his bias.

3 THE COURT: All right. I'm leaning
4 against it. But I'll give it some thought.

5 (The jury entered the courtroom.)

6 THE COURT: All right. Mr. Cordova, I'll
7 remind you that you're still under oath.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: I'm having a little bit of
10 computer problems, so they may be working on those
11 up here, but we'll plow ahead.

12 Mr. Castellano, if you wish to continue.
13 I think you were about to play Exhibit 192.

14 MR. CASTELLANO: That's correct, Your
15 Honor.

16 BY MR. CASTELLANO:

17 Q. And I think we can begin playing it now.

18 (Tape played.)

19 Q. Okay. When you said you were at the
20 North, is that the North facility in Santa Fe?

21 A. Yes, sir.

22 Q. And what are you talking about when you
23 say Carlos's name came up and they should have
24 waited?

25 A. Well, his name came up and people were mad

1 because SNM has been trying to get back in general
2 population on the line for years. And we are almost
3 there. They were going to let us back out to the
4 line, but when Lazy and them called the hit on
5 Javier Molina, it messed everything up. It set us
6 back. So it made us look bad and people were like,
7 We needed to be back out there. That should have
8 waited.

9 Q. Okay. Let's continue.

10 (Tape played.)

11 Q. What is Mr. Herrera explaining to you when
12 he made contact with Junior and Spider and others?

13 A. He's saying I'm in contact with all these
14 other brothers that matter, so people that needed to
15 know and needed to go on, they know. And the rest
16 don't really need to know. That's what he meant.

17 So what he was saying is that the brothers
18 that were in charge at the time, they were okay with
19 what was going in the onda with him doing what he
20 was doing.

21 Q. When you say doing what he was doing, what
22 are you talking about?

23 A. Doing the Javier murder, calling that hit
24 was a good thing, so they were okay with it.

25 Q. Okay. Let's continue.

1 (Tape played.)

2 Q. Okay. What's this issue with Mr. Herrera
3 talking about Earn Dog?

4 A. Earn Dog was having a change of heart
5 within the organization. He wanted an okay from
6 Herrera to give him -- to vouch for him, to validate
7 it was okay for him to go ahead and do his own
8 thing, and Herrera wouldn't. He wouldn't vouch for
9 him. He was like, Either you're a carnal or if
10 you're not, you'll get hit.

11 Q. All right. Continue.

12 (Tape played.)

13 Q. What's your understanding of what
14 Mr. Herrera means when he said, "I don't deserve the
15 llaves and I never wanted them, Dog"?

16 A. It's because they put him in an authority
17 position on the tabla, and he didn't ask to get
18 there. You don't ask to get there. People put you
19 there.

20 Q. And what about Ogre, "how did they put
21 Ogre in it?"

22 A. If I could listen to it one more time, I
23 can tell you.

24 Q. Okay. If we could back it up just a
25 little bit.

1 (Tape replayed.)

2 Q. Going back to Ogre, were you able to
3 better understand it from hearing it again?

4 A. I couldn't really understand it from
5 hearing it.

6 Q. Let's move forward then to this discussion
7 about Baby Rob and Crazo.

8 A. He was saying -- excuse my language --
9 they ditched out, because he's related to -- they
10 renounced, they walked away from the onda.

11 Q. Okay. So this is what, February, March
12 timeframe. Are people already aware then that Crazo
13 has also basically left the gang?

14 A. Yes, they're aware of it. And the word is
15 going around that he turned FBI informant.

16 Q. And so word got out that quickly?

17 A. Yes.

18 Q. And is Crazo also known as Eric Duran?

19 A. Yes, sir.

20 Q. Let's continue.

21 (Tape played.)

22 Q. What is Mr. Herrera talking about here?

23 A. He's talking about people that were
24 talking about him. He's just saying that anybody
25 can talk like that and fuck the door -- excuse me,

1 sorry, my language. To come out the door, like come
2 to Level 4 and strap up; in other words, strap up is
3 get a shank and take care of business. We can bend.

4 Q. It sounded like Mr. Herrera got more
5 animated when you talked -- when you let him know
6 people were talking about him and the decision to
7 hit Molina.

8 A. Yes. He was -- and it's true, the people
9 were, they were conflicted about us not coming out
10 to the lines. They thought us coming out to the
11 lines was more important than that one person
12 getting handled right away.

13 So I think he knew he kind of jumped the
14 gun on the Molina murder, calling the hit, and maybe
15 he should have waited.

16 MS. BHALLA: Objection, speculation.

17 THE COURT: Well, I think he can state,
18 and I think we need to put it in terms and ask the
19 questions in terms, what do you think Mr. Herrera
20 was saying. And if he's going beyond that, then I
21 think he probably ought to stop.

22 BY MR. CASTELLANO:

23 Q. What do you think he was saying in
24 response to the fact that you told him people
25 thought that he may have moved too soon?

1 MS. BHALLA: It's speculation, Your Honor.
2 The same objection.

3 THE COURT: Well, I think he can answer
4 this question. Overruled.

5 A. He was conflicted, I felt. I felt he knew
6 he should have waited. We were coming out. We had
7 been filing appeals, we'd been trying to get out to
8 the prison line for quite some time. And with that
9 Molina murder, it was going to set us back because
10 we finally got administration that was willing to
11 work with us and allow us back out to the prison
12 population.

13 BY MR. CASTELLANO:

14 Q. Then after Molina, did you guys get locked
15 down again?

16 A. Yes, we got locked down again for, I think
17 it was a period of a year and a half, almost two
18 years.

19 Q. Let's continue.

20 (Tape played.)

21 Q. What was the discussion about Mr. Herrera
22 being heard about what Earn Dog told him?

23 A. Earn Dog was having conflicted emotions
24 within himself. That he wanted maybe to go to the
25 program, the dropout program. And like I said, Lazy

1 wasn't going to vouch for him. And when he states
2 his values, because he had started showing weakness,
3 he started reading the Bible, well, really reading
4 the Bible, not just reading it for philosophy or
5 strategy issues, he started reading it, believing in
6 God. That's not good within the SNM. They don't
7 believe in that.

8 Q. So at that point then that was something
9 that hurt Mr. Herrera because he wanted to leave the
10 S?

11 A. Yes.

12 Q. Let's continue.

13 (Tape played.)

14 Q. What is this discussion about, comes to
15 Cruces and it should have gotten done cleaner?

16 A. At that time, the earliest was -- he was
17 out of the loop on politics within the onda.
18 Brothers had already seen he was showing weakness.
19 I don't think he really knew what was going on. But
20 he still had a say-so in the yard about they
21 shouldn't have jeopardized brothers like that, on
22 that Javier Molina hit, but that's the way they
23 wanted it done. And, obviously, Earn Dog didn't
24 know that.

25 Q. And then there's talk about Mr. Herrera

1 being on the tabla.

2 A. Yes.

3 Q. Were you aware of his status on the tabla?

4 A. Yes. I was aware of his status on the
5 tabla at the time.

6 Q. What responsibilities would he have as a
7 member of the tabla?

8 A. He is an influential member so he has a
9 say-so on things that go on within the family, like
10 hits, violations. That's where they come down from,
11 they come down from the tabla. They sit down, they
12 have a discussion. And if they feel it's
13 justifiable, then they made sure they hand it down
14 to the llaveros, and then the llaveros make sure it
15 gets handled.

16 Q. Let's continue.

17 (Tape played.)

18 Q. Okay. A few things here. So Mr. Herrera
19 mentions the name "Javier." What happened with
20 Javier?

21 A. That's Javier Molina. And what he's
22 talking about there, his brothers were criticizing
23 the tabla because the way the hit went down. Like I
24 said, we were coming out, we were getting a chance
25 by the administration in a few months to come out to

1 the general population lines. And when that
2 occurred, that set us back down. So the brothers
3 were talking down on carnals that called it. He was
4 one of them that called it. So they were like, why
5 did he do that? And he's stating, why are they
6 criticizing us? That's just what we do. We're the
7 onda, you know what I mean?

8 Q. Okay. Let's continue.

9 (Tape played.)

10 Q. Okay. When there is discussion here by
11 Mr. Herrera of saying it was wrong to kill a guy,
12 which guy is this?

13 A. That's Javier Molina. And basically more
14 or less what he's saying there is that --

15 MS. BHALLA: He answered the question
16 already, Your Honor.

17 THE COURT: Overruled.

18 A. What he's saying is basically is this,
19 he's saying we're the onda, that's what we do. We
20 kill people, you know what I mean? So there was no
21 need to wait, you know what I mean? So why would
22 you feel bad about a guy getting killed? That's
23 what we do. That's the onda.

24 BY MR. CASTELLANO:

25 Q. Let's continue.

1 (Tape played.)

2 Q. Is this you, Shadow, or a different Shadow
3 he's talking about?

4 A. He's talking about Big Shadow in that,
5 picking up, it's not barrio, it's Bible. That's
6 what he's saying there, he's talking about, is
7 picking up that Bible, being a Christian, you know.

8 Q. And is that Roy Martinez?

9 A. Yes, it's Roy Martinez.

10 Q. Was there discussion about Roy Martinez
11 picking up the Bible and studying it?

12 A. Yes. And that's why they were saying they
13 wanted to kill that vato for turning Christian.
14 Showing weakness, in other words.

15 Q. Let's continue.

16 (Tape played.)

17 Q. Okay. So is this a continued discussion
18 about Roy Martinez when he's kicking with LC and
19 going to prayer meetings?

20 A. Yes. At the North, it's a lockdown
21 facility. What he means by kicking it with them is
22 he was talking to him, you're not supposed to talk
23 to rival gang members. And he was talking to him in
24 the yard. He was going to prayer meetings with some
25 of them, and really giving his life to God at that

1 time in his life.

2 Q. And what should have Roy Martinez done, if
3 he was being a good SNM member, if he --

4 A. Yeah, he would have never done -- first of
5 all, the Bible is your rules of the SNM. That is
6 your religion. You are Syndicato. You don't
7 believe in God, you don't believe in nothing else
8 but that Bible and them rules is SNM.

9 Q. Let me ask you this, then: If Roy
10 Martinez is following different rules and he's
11 hanging out with LC, isn't he supposed to be hitting
12 an LC member?

13 A. Yes, he's supposed to murder them on
14 sight. Any rival gang member, you're getting with
15 air and opportunity is what we call it, you hit
16 them. If not, you can be hit for that, because you
17 had opportunity to do it. And that's what we're
18 supposed to do with SNM members.

19 Q. Let's continue with the recording.

20 (Tape played.)

21 Q. Who are you talking about here?

22 A. We're talking about Javier Molina. Me and
23 Shadow had got into a political dispute because he
24 wanted me to do some things in segregation. When I
25 got out of segregation, I didn't do them. It was a

1 political move against me. When I got back in
2 prison at the North, and he was trying to say I knew
3 about the Javier Molina being a rat, and I should
4 have did something about it. It was just a politic
5 move against me.

6 So what I'm telling: Herrera hears that I
7 didn't know about him until Herrera had showed me
8 the paperwork and told me about it. That was it.

9 Q. Let's continue.

10 (Tape played.)

11 Q. What does he mean when he says "tap out"?

12 A. What he means is walk away from the SNM.

13 Q. Let's continue.

14 (Tape played.)

15 Q. A few things. Earlier when he says, right
16 now everything is firme. What does that mean?

17 A. Huh?

18 Q. It's toward the top of the screen.

19 "Everyone right now is firme."

20 A. What he's saying is that when the Javier
21 murder went down, he feels that it's strengthened
22 the SNM, because a lot of dudes started tapping out
23 that were scared. And it got rid of a lot of what
24 he calls the negativity. Carnals that aren't
25 willing to go and do what needs be done to further

1 the agenda of the organization. So that's why he
2 says everybody here now is firme. Everybody's on
3 board. Everybody's down to put in work.

4 Q. Then he's asking the question, "Why are
5 you mad at me, carnal?"

6 A. What he's saying -- he's telling people,
7 whoever he was talking to, carnal, why are you mad
8 at me when things are working good? Basically he
9 felt what happened in Cruces with the Javier Molina
10 murder is that it worked in the SNM's benefit. A
11 lot of people tapped out that shouldn't have been
12 around and that were weak and the strong are still
13 there. The rest of us are firme.

14 Q. What about where he says, "Forgetting one
15 thing, though, you got into a clika"?

16 A. Yes. And that's where he's talking about
17 people showing weakness about people shouldn't be
18 picking up the Bible. People shouldn't be talking
19 about tapping out and walking away. You got into a
20 clika. It's blood in, blood out, basically.

21 Q. Let's continue.

22 (Tape played.)

23 Q. Okay. Let's move to the next clip from
24 Government's Exhibit 192.

25 (Tape played.)

1 Q. What are you saying there about Javie and
2 the papels?

3 A. Javier Molina, talking about Javier Molina
4 that was murdered, that the paperwork where he
5 ratted was down there for a while and no one did
6 nothing. That's what I'm talking about.

7 Q. Let's continue.

8 (Tape played.)

9 Q. What is Mr. Herrera's response when you
10 ask him -- or mention Javier Molina and the papers,
11 paperwork?

12 A. He's just saying that, you know -- he's
13 just saying fucking handle it, you know what I mean?
14 It needs to get fucking handled. So that's why --
15 excuse my language. It got handled, it needs to be
16 handled, and it got handled, you know. That's what
17 he just says, things are getting better because
18 things are getting done.

19 Q. Let's continue.

20 (Tape played.)

21 Q. What is this discussion here about feeling
22 it's wrong to send the carnals in?

23 A. Because he's stating, if people are
24 talking bad about how he called the Molina hit, then
25 why didn't they do better? Why didn't they get it

1 done? In other words, I got it done, why didn't
2 they get it done?

3 Q. Let's continue.

4 (Tape played.)

5 Q. Why are you telling him, you know, Javier
6 was down there for four years?

7 A. Because I wanted to get him on recorder
8 stating, yeah, I know he was down there for four
9 years and no one did nothing. And why is anybody
10 talking bad about me, I got it done. You know what
11 I mean? So basically it's I'm just stating that
12 Javier was a rat. He was down there for years,
13 should have been handled. And it didn't get handled
14 until Lazy made it happen.

15 Q. Let's continue.

16 (Tape played.)

17 Q. When you're saying they finally pushed the
18 issue, what is that issue?

19 A. The Javier Molina hit.

20 Q. Let's continue.

21 (Tape played.)

22 Q. Who is Choke that you're asking about?

23 A. Choke is an older SNM member of the
24 organization. I want to say it's a Richard -- I
25 can't recall his last name, but he's an older

1 carnal, he has influence in the feds. He's one of
2 the ones that calls it for the SNM line in the feds.

3 Q. Let's continue playing.

4 (Tape played.)

5 Q. Mutual respect with who?

6 A. The Eme, the Mexican Mafia from
7 California.

8 Q. Let's continue.

9 (Tape played.)

10 Q. Okay. When he mentioned Grandma, do you
11 know who Grandma is?

12 A. Yeah, it's a code word or code name for
13 one of our former ranking members called Styx,
14 Gerald Archuleta.

15 Q. Who is Garduno?

16 A. Garduno is another SNM member of the
17 organization.

18 Q. Was Garduno arrested?

19 A. Yes, he was arrested on the RICO Act.

20 Q. Who is Juanito?

21 A. Juanito is Juan Mendez.

22 Q. And when it says, "Chris got hemmed up,
23 too," who is that?

24 A. Chris Garcia, another SNM member of the
25 organization.

1 Q. And in a second here, you're going to say
2 "I seen them all in the county, no?"

3 A. Yes, I did. I was in the middle of my
4 murder trial. And the morning I left, and when I
5 came back that afternoon, that night, everybody was
6 gone. But everyone else that was in there was all
7 SNM members, I tripped out. They were all -- and I
8 know them all.

9 Q. Is that what you told us about earlier,
10 you mentioned that you had gone to court and come
11 back and a bunch of members were there?

12 A. Yes, sir.

13 Q. Let's continue.

14 (Tape played.)

15 Q. When Mr. Herrera says -- or it says drogogs
16 on there, but I think he says drogagas on the
17 recording.

18 A. Yeah, because he thinks he got them for
19 drogagas because Chris used to supply in Albuquerque
20 every single SNM member that got out of prison, he
21 was a big drug organizer and he would supply us with
22 narcotics, heroin, cocaine in quantities, big
23 quantities.

24 Q. What are drogagas?

25 A. Drogagas are drugs, Spanish for drugs.

1 Q. Let's continue.

2 (Tape played.)

3 Q. Okay. When they're talking about "they
4 don't want no part in his life," what is Mr. Herrera
5 referring to?

6 A. I think he's saying they don't want no
7 part of this life. In other words, he's talking
8 about people getting hit with the RICO Act, like
9 everyone else, like the Eme, the Nuestra familia,
10 all them getting hit with RICO Acts. That's what
11 happens when you're involved in an organization,
12 being an organized gang member. The feds come in,
13 and eventually they RICO you. And that's exactly
14 what they're doing to us now.

15 Q. Let's continue.

16 (Tape played.)

17 Q. Okay. When he says, "In other words,
18 we're doing it wrong. How are we doing wrong,
19 because it wasn't done correctly?"

20 A. He's talking about the Javier Molina
21 murder and how things are going within the SNM
22 organization. And what he's talking about, when
23 people talk negative, it's not like all the citizens
24 see negative. What you guys see bad, we see as
25 good. So what you guys see as good or positive, we

1 see as negative.

2 When people start talking about oh, things
3 shouldn't be done like this because we're going to
4 be locked down, and, no, things should happen,
5 people should get murdered, things should keep on
6 going that way. Because that's what SNM is about.
7 And that's what's positive for us, that's what's
8 good for us.

9 So when he's saying people are being
10 negative; in other words, he's talking about guys
11 are showing weakness within the organization by
12 talking against violent acts, and things that need
13 to be done. And just because a RICO Act comes in,
14 who cares, he's saying. This is what we do. We're
15 from the onda, we're gang members, we're an
16 organization. Ain't nothing going to stop us from
17 being SNM, not even a RICO Act.

18 Q. Let's continue.

19 (Tape played.)

20 Q. Okay. What's this discussion about the
21 paper and nobody asking anything, what's that about?

22 A. In other words, he's saying Javier Molina,
23 you know, he was a rat. No one else ever got it
24 done. No one else ever asked for paperwork. So why
25 are they being negative towards him when he got the

1 paperwork, produced it, and got it done, is what
2 he's basically saying.

3 Q. All right. Let's continue.

4 (Tape played.)

5 Q. What did you mean by that last statement?

6 A. In other words, he was making excuses of
7 having a change of heart. And that's what I meant,
8 is why is he using other people's changes of heart
9 to justify his own thoughts of weakness.

10 Q. Okay. Let's move to the next clip.

11 (Tape played.)

12 Q. Did you say -- did you tell him to spit or
13 to split?

14 A. Split.

15 Q. What does he mean there?

16 A. About Javier Molina, like what did you
17 expect to happen? You wanted a rat to split, like
18 leave, have the chance to escape, a rat, you know
19 what I mean? It needs to be handled. So basically
20 that's what he's saying, is things, they need to get
21 done and that's the way they need to get done.

22 Q. Let's continue.

23 (Tape played.)

24 Q. Okay. If Javier is getting shown more
25 love than him, how does the clavo play into it?

1 A. Because clavo, drugs has a big influence
2 in prison. Even in the gang life, drugs has a big
3 influence.

4 Q. Okay. Let's continue.

5 (Tape played.)

6 Q. Do you know anything about Andrew there at
7 the end?

8 A. I can't recall what Andrew he's talking
9 about.

10 Q. Let's move for the next clip.

11 (Tape played.)

12 Q. What are you talking about here? He says,
13 "What did they tell you about the report?"

14 And you say, "Oh, about the fierros?"

15 A. About the fierros --

16 Q. What are fierros?

17 A. Fierros are shanks, they're knives. So
18 basically if he had a report or something, that's
19 probably what we were talking about.

20 Q. Okay.

21 (Tape played.)

22 Q. What got handled?

23 A. The Molina hit.

24 Q. Now, in a little bit you're going to ask
25 whether the paperwork was real. And his response is

1 "yeah." What paperwork are you referring to?

2 A. The paperwork on Javier Molina.

3 Q. And had you actually seen the paperwork
4 yourself?

5 A. Yes.

6 Q. And so if you had seen the paperwork, why
7 did you ask him if the paperwork was real?

8 A. Because I was trying to get him to state
9 that he's the one that produced the paperwork to get
10 Javier Molina hit.

11 Q. Let's continue and listen.

12 (Tape played.)

13 Q. And that's the Javier Molina paperwork?

14 A. Yes, sir.

15 Q. Let's turn to the next clip.

16 (Tape played.)

17 Q. What are you talking about here?

18 A. I went and I met his people. And I gave
19 them some narcotics for him.

20 Q. Whose people?

21 A. Lazy's people. Herrera's people. And I
22 showed his ex-girlfriend, I showed them how to send
23 him the narcotics. I already had one made, and I
24 ran it down to them and showed them how to do it,
25 and I was already sending some on the way.

1 Q. At that point, were you on the streets or
2 in prison?

3 A. I was on the streets. I'd just got out of
4 Las Cruces, New Mexico, Southern.

5 Q. And you said, "Then I showed her how I was
6 doing it."

7 A. Yeah. I showed her how I was doing it,
8 how I was sending drugs in to other brothers and to
9 Lazy.

10 Q. Okay. Let's continue.

11 (Tape played.)

12 Q. Okay. Mr. Cordova, I'm going to move next
13 to Government's Exhibit, I think it's 194 -- let me
14 check the number. The next exhibit is Exhibit 194.
15 This is a conversation between you and Mr. Herrera.

16 MR. CASTELLANO: And at this time, I'd
17 move the admission of Government's Exhibit 194.

18 THE COURT: Any further discussion
19 necessary on 194?

20 MS. BHALLA: No, Your Honor. Same
21 objection.

22 THE COURT: All right. Government's
23 Exhibit 194 will be admitted into evidence.

24 (Government Exhibit 194 admitted.)

25 MS. JACKS: And, Your Honor, we previously

1 stated our objections. We'd ask for the limiting
2 instruction.

3 THE COURT: All right. It looks like this
4 is another conversation with Mr. Herrera. So you
5 can only use this evidence in your discussions and
6 deliberations about the charges against Mr. Herrera
7 and you cannot use it in any way against the other
8 three gentlemen.

9 All right, Mr. Castellano.

10 MR. CASTELLANO: Thank you, Your Honor.

11 BY MR. CASTELLANO:

12 Q. We'll begin by playing the beginning.

13 (Tape played.)

14 Q. Okay. There is mention of a person named
15 Cheech. Do you know who that is?

16 A. Yes, it's -- his last name is Martinez.
17 He's another SNM member of the organization.
18 Cheech.

19 Q. If you know, do you know how he was
20 involved with the Molina murder?

21 A. Yes, he's the one that got the paperwork
22 from Jesse Sosa. He produced it to Spider and then
23 Spider passed it down the line.

24 Q. Let's continue.

25 (Tape played.)

1 Q. And do you know what the retaliation is
2 for here?

3 A. Yes, because he was a rat. In other
4 words, why wait to retaliate on somebody that broke
5 the rules of the organization. Just take care of
6 it.

7 Q. Who is a rat?

8 A. Javier Molina. That's who we're talking
9 about.

10 Q. And down below is a discussion of Blue and
11 Spider.

12 A. Yes. See, Spider -- all right. Blue and
13 Spider, I think they all got together and they
14 discussed about things has to be justified within
15 the organization and make sure that the black and
16 white was real before it got done. Things like
17 that.

18 Q. Let's listen to that part.

19 (Tape played.)

20 Q. Let's play the next segment.

21 (Tape played.)

22 Q. When you referred to asking Spider and
23 asking Blue, what are you talking about?

24 A. Because guys were talking -- everyone was
25 in hoops at the North, Spider and Blue were there.

1 So I was telling him, you know, you can ask them.
2 You know, I was backing your play. I was telling
3 them that you made sure things got done, and things
4 got done as planned. And people were trying to --
5 you know, that whole situation that they should have
6 waited. We were coming back out to the line.

7 And that's when I was telling Blue and
8 Spider and them, well, he got it done. You know,
9 when other guys passed up the opportunity to make
10 sure Javier Molina got murdered, Lazy took care of
11 it.

12 Q. When you said, "I didn't know carnal" and
13 "that's when I knew carnal, when that shit got
14 there," what are you talking about?

15 A. Because I didn't know about Javier Molina
16 until the paperwork had gotten there. And Lazy had
17 shown me and then let me know that you people know
18 we're going to be on lockdown. That's when the
19 murder happened, that day.

20 (Tape played.)

21 Q. Okay. When you're telling Mr. Herrera,
22 "that's when I knew, you came up and you told me,
23 carnal, let your people," is it go or know?

24 A. Let your people know. That's basically
25 when I found out is when he told me, look, when I

1 seen the paperwork, and then afterwards right before
2 it was going to happen, he told me, let your people
3 know we're going to be on lockdown.

4 Q. Why would you be on lockdown?

5 A. Because Javier Molina was going to get
6 murdered.

7 Q. When you say, "I told them vatos there was
8 a rat that was there for four years," who were you
9 talking about?

10 A. Javier Molina.

11 Q. Okay. Let's continue.

12 (Tape played.)

13 Q. When you say "that are on the G," what are
14 you talking about?

15 A. Because he's talking about brothers hating
16 on good brothers. People that want to get more
17 privileges, they want to come out on tier time, they
18 had contact visits. Those are the ones that we talk
19 about that are being negative. Those are the ones
20 we're talking about that are showing weakness. And
21 the ones that are on the G shit -- excuse my
22 language -- those are the ones that are making sure
23 things get done, making sure people get murdered.
24 The organization is moving forward in our goal of
25 expanding, becoming a better SNM organization.

1 Q. Are you saying up here that you defended
2 Mr. Herrera when you say, "And you're trying to say
3 this carnal is not wrong, you know what I mean?"
4 It's right here.

5 A. Yes, because they're trying to say he was
6 in the wrong because it should have waited. The
7 murder should have waited. And what I'm saying to
8 him is I backed him up, "How is this carnal in the
9 wrong when that Vato was down there for four years
10 and nothing ever happened to him?"

11 Q. Okay. Let's continue.

12 (Tape played.)

13 Q. At this point is Mr. Herrera speaking
14 about somebody else?

15 A. Yes. At this point, like as we're going
16 along talking about negativity and how the onda,
17 things need to be fixed. One of them was Julian
18 Romero. That's who we're talking about here, that
19 had broken the rules of the organization by messing
20 with another member's woman.

21 Q. When he says, "I told Blue he's still a
22 carnal, and he told me, I respect you," what is he
23 talking about there?

24 A. He's standing up for the other brother and
25 saying look, the dude is still a carnal. And right

1 here -- I'm pretty sure right here in this one we
2 talk about the guy who deserves -- they thought he
3 deserved to die, but he deserved a violation.

4 Q. Is that what Mr. Herrera believed?

5 A. Yes.

6 Q. Let's continue.

7 (Tape played.)

8 Q. Okay. Do you know who was banging at the
9 door?

10 A. Yes. When -- now we're talking about
11 Julian. When Julian was given the violation, was
12 severely beaten, he started showing weakness,
13 started screaming for the cop, banging on the door.
14 So after that, everybody that was supporting him
15 agreeing that he shouldn't die, he should get a
16 violation, that's when everybody just turned their
17 back and said this dude deserves to die now because
18 he showed a cowardly act.

19 Q. Let's continue.

20 (Tape played.)

21 Q. When people say they're supporting Styx,
22 are they basically choosing sides between Styx and
23 Julian?

24 A. Yes. Yes.

25 Q. Let's continue.

1 (Tape played.)

2 Q. Do you know what Mr. Herrera is talking
3 about when he says, "I told him we need to move
4 forward"?

5 A. Yes, he was talking about issues in the
6 organization that needed to be solved, handled, and
7 that we need to move forward as one car on the same
8 agenda.

9 Q. Okay. Let's continue.

10 (Tape played.)

11 Q. When he says, "We told Conrad, 'handle
12 it,' no," what is Mr. Herrera referring to?

13 A. Conrad moved on him, beat him up pretty
14 bad, real bad.

15 Q. And he beat up Julian Romero?

16 A. Yes, he beat up Julian Romero.

17 Q. And did Mr. Herrera indicate that he was
18 part of that order when he says, "We told Conrad
19 handle it"?

20 A. Yes.

21 Q. And at that point did Carlos Herrera have
22 the power to order something like that?

23 A. Yes. He was on the tabla.

24 Q. Let's continue.

25 (Tape played.)

1 Q. Who is saying that, saying I don't deserve
2 to die?

3 A. Julian. Julian is pleading his case with
4 the tabla. And he's stating, you know, he was -- to
5 my understanding, he was telling them, I'm a
6 soldier. I put in work for this family. I've done
7 for this family. I know I messed up, but I don't
8 deserve to die.

9 In other words, just give me a violation
10 and let me still make it right with the
11 organization.

12 Q. Okay. Let's continue.

13 (Tape played.)

14 Q. And what do you understand Mr. Herrera to
15 mean when he says "this ranfla is an S, not in his
16 favoritism"?

17 A. In other words, he's saying that rules
18 should not be broken for nothing. We shouldn't be
19 favoritizing young brothers because of this or that,
20 or because they've got money or drugs or influence,
21 or because they've done hits themselves. They
22 should all be held accountable for their actions.
23 If they mess up, rules are rules.

24 Q. Continue.

25 (Tape played.)

1 Q. Do you know who he's talking about when he
2 says, "He's not a rat, he's never ratted." Who is
3 that?

4 A. He's talking about Julian. He's talking
5 about Julian was never chaffa in any way, except
6 when he broke the rules. But because of the
7 weakness he had shown when he was told to go to the
8 shower and wash up after the violation, he did it.
9 He called for help and the authorities came to help
10 him. So after that, everyone backed up in
11 supporting him so they were like -- he was hurt
12 about that. He was heartbroken.

13 Q. Let's continue.

14 (Tape played.)

15 Q. What's the ranfla?

16 A. The ranfla is our car, the SNM is what
17 he's stating. We all have to do our part,
18 basically, for the SNM.

19 You guys already know, more or less, you
20 know, how the organization probably runs. I've been
21 up here explaining it all day and stuff. The jefe,
22 the tabla, the llaveros, the soldiers. We all have
23 a part to play. Whenever asked, we do it. We don't
24 show weakness, we die. That's the way the rules
25 are.

1 Q. Let's continue with the next part.

2 (Tape played.)

3 Q. Somebody said "this is a clika." What
4 does that mean?

5 A. In other words, if you're scared to pick
6 up a life sentence or die, then you shouldn't join
7 the clika, because this is what we do. We're on --
8 excuse my language. When he says we're on G shit;
9 in other words, he's saying this is what we do. We
10 murder, we extort, we bulldog. You know what I
11 mean? We install fear in people. That's what we
12 do. We're the clika.

13 Q. Let's move on to the next clip.

14 (Tape played.)

15 Q. Okay. Who is supposed to dispose of what?

16 A. Dan Dan was supposed to dispose of the
17 shanks after the Molina murder, and Blue and him
18 were having confrontation over that.

19 Q. Let's continue.

20 THE COURT: Would this be a good time for
21 us to break for the evening, Mr. Castellano?

22 MR. CASTELLANO: Sure, Your Honor. Yes,
23 sir.

24 THE COURT: All right, ladies and
25 gentlemen. I appreciate your hard work, your

1 attention today. I hope those that are feeling
2 poorly will get some rest and get some medical
3 attention. I sure appreciate the way you're
4 working, hard work you're putting in. We all
5 appreciate it. We'll see y'all in the morning. All
6 rise.

7 (The jury left the courtroom.)

8 THE COURT: All right. Everyone be seated
9 for just a moment, then I'll let y'all go too.

10 I'm addressing Ms. Duncan's request for
11 some ruling in advance about these witnesses they
12 want to bring from California to deal with
13 Mr. Duran. Normally, and my gut reaction was that
14 this is collateral and is getting a little bit far
15 afield. But I am a little bit sympathetic to, in
16 this situation, the argument that Mr. Duran's
17 invocation of the Fifth Amendment maybe deprived,
18 just a little bit, the defendants of their rights
19 under 608(b) to inquire into, and thereby obtain
20 sworn testimony regarding the language of 608(b).
21 Specific instances of a witness' conduct in order to
22 attack the witness' character for truthfulness.

23 I think to avoid this thing getting out of
24 hand, I'm going to permit the defendants to call a
25 single witness, and I think that will remedy any

1 sort of deprivation. I don't think there has been
2 any, but I want to avoid the appearance of it being
3 any deprivation. Don't want to create a trial
4 within a trial on what I think is a collateral
5 matter.

6 But because of the unique circumstances
7 here, to the extent that the existence of
8 allegations against Mr. Duran created some incentive
9 for him to lie, to curry favor with the FBI and
10 thereby avoid consequences or prosecution or as a
11 result of those allegations, I think the defendants'
12 single witness would put those allegations in front
13 of the jury.

14 The Court could exclude and will exclude
15 additional witnesses and evidence as collateral, so
16 it's kind of a one-shot thing; put it up, let's move
17 on.

18 Additionally, I believe that the United
19 States elicited on direct examination some of the
20 evidence regarding Mr. Duran's child abuse
21 allegations. There is an argument that in light of
22 Mr. Duran's assertions of his right to remain
23 silent, permitting the defendants to present a
24 limited amount of extrinsic evidence regarding those
25 allegations is necessary under the rule of

1 completeness embodied in Rule 106 and 611(a) of the
2 Federal Rules of Evidence.

3 So I'm going to permit the defendants to
4 call a single witness to testify regarding
5 Mr. Duran's child abuse allegations, and then I
6 think we'll bring that to an end. I think that will
7 be enough to close any sort of gap here.

8 All right. I appreciate your all's hard
9 work.

10 I don't know who is talking. Oh, okay.
11 Yes, Mr. Jewkes. I was surprised to see you here
12 this afternoon.

13 MR. JEWKES: That's tomorrow afternoon
14 I'll be gone.

15 THE COURT: Oh, I'm sorry. Good.

16 MR. JEWKES: Your Honor, last evening just
17 before we broke the issue arose regarding Eric
18 Duran's involvement in money laundering and the
19 Government was going to report back.

20 MS. ARMIJO: Well, I don't believe the
21 Government was going to report back. I believe the
22 Court asked us to review for Jencks and Giglio.

23 THE COURT: Why don't we deal with this in
24 the morning. Do review the materials and have a
25 report for me in the morning.

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MS. ARMIJO: Your Honor --

THE COURT: We'll be in recess.

(The Court stood in recess.)

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
1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 4th day of February, 2019.

13
14 
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